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**Explaining the Outcomes of Negotiations  
of  
Economic Partnership Agreements between the European Union and  
the African, Caribbean and Pacific Regional Economic Communities  
-  
*Comparing EU-CARIFORUM and EU-ECOWAS EPAs***

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**Final Submission: December 2016**

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**Thesis Declaration**

I confirm that this thesis presented for the degree of Doctor of Philosophy (PhD), has

- I. been composed entirely by myself
- II. been solely the result of my own work
- III. not been submitted for any other degree or professional qualification

**Cologne, 19 October 2016**

**James Nyomakwa-Obimpeh**

**UUN: S1066747**

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## **Dedication**

*To my daughters Nhyiraba Takyiwaa and Anigye Boakyewaa, who give me cause and inspiration every day to become their great father and teacher.*

## **Abstract**

The European Commission has been negotiating Economic Partnership Agreements (EPAs) with Regional Economic Communities of African, Caribbean and Pacific Group of States since 2002. The outcomes have been mixed. The negotiations with the Caribbean Forum (CARIFORUM) concluded rather more quickly than was initially envisaged, whereas negotiations with West African Economic Community (ECOWAS) and the remaining ACP regions have been dragging on for several years.

This research consequently addresses the key question of what accounts for the variations in the EPA negotiation outcomes, making use of a comparative research approach. It evaluates the explanatory power of three research variables in accounting for the variation in the EPA negotiations outcomes – namely, Best Alternative to the Negotiated Agreement (BATNA); negotiation strategies; and the issues linkage approach – which are deduced from negotiation theory.

Principally, the study finds that, the outcomes of the EPA negotiations predominantly depended on the presence or otherwise of a “Best Alternative” to the proposed EPA; that is then complemented by the negotiation strategies pursued by the parties, and the joint application of issues linkage mechanism which facilitated a sense of mutual benefit from the agreements.

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## List of Abbreviations

ACP	Africa, Caribbean and Pacific Group of States
ACP-EU JPA	ACP-EU Joint Parliamentary Assembly
ADEID	Action pour un Développement Équitable, Intégré et Durable (Cameroon)
AfDB	African Development Bank
ASEAN	Association of South East Asian Nations
AU	African Union
AUC	African Union Commission
BATNA	Best Alternative to the Negotiated Agreement
CACID	Centre africain pour le commerce, l'intégration et le développement
CAP	Common Agricultural Policy
CARICOM	Caribbean Common Market
CARIFORUM	Caribbean Forum
CECIDE	Centre du Commerce International pour le Developpement (Guinea)
CEMAC	Economic and Monetary Community of the Central African Countries
CIECA	Centro de Investigación Económica para el Caribe - Dominican Republic
CNPANE-AC	Le Comité National de Pilotage des Acteurs Non Etatiques du Mali
COMESA	Common Market for Eastern and Southern Africa
CRITI	Caribbean Regional Information and Translation Institute
CTA	Technical Centre for Agricultural and Rural Cooperation ACP-EU
CSPs	Country Strategy Papers
EBA	Everything But Arms
EC	European Commission
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EEC	European Economic Community
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
EU28	European Union member states (currently 28)
EU-ACP	European Union- Africa, Caribbean and Pacific Group of States
EU	European Union
EUROSTEP	European Solidarity Towards Equal Participation of People
FSS	Forum Social Sénégalais (Senegal)
FTA	Free Trade Areas/Agreements
FTAA	Free Trade Area of the Americas
GARED	Le Groupe d'Action et de Réflexion sur l'Environnement et le Développement (Togo)
GATT	General Agreement on Tariffs and Trade
GAWU	General Agricultural Workers Union (Ghana)
GNP	Gross National Product
GRAPAD	Groupe de Recherche et d'Action pour le Promotion de l'Agriculture et du Développement (Benin)

GSP	Generalized System of Preferences
GSP+	Generalized System of Preferences-Plus
GTLC	Ghana Trade and Livelihoods Coalition
ICTSD	International Centre for Trade and Sustainable Development
LDCs	Least Developed Countries
MAR	Market Access Regulation
MERCOSUR	MERcado COMún del SUR (Customs Union of five Southern-cone countries Argentina, Brazil, Paraguay, Uruguay and Venezuela).
MFN	Most Favoured Nation (clause)
MNSC	Mouvement National pour la Société Civile (Guinea Bissau)
MTRs	Mid-Term Reviews
NAA	Negotiation Analytic Approach
NANTS	National Association of Nigerian Traders
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OECS	Organization of Eastern Caribbean States
OSCAF-CI	Organisation de la Société civile de l'Afrique Francophone - Côte d'Ivoire
PASCAO	de la Plateforme des organisations de la société civile de l'Afrique de l'Ouest sur l'Accord de Cotonou (West Africa Civil Society Platform)
PASCIB	Plateforme des Acteurs de la Société Civile du Benin
REC	Regional Economic Communities
REPA	Regional Economic Partnership Agreements
RODDADH	Réseau Nigérien des ONG de Développement et Associations des Droits de l'Homme et de la Démocratie (Network of 70 Development NGOs -Niger)
RPTF	Regional Preparatory Task Forces
RTA	Regional Trade Agreement
SADC	Southern African Development Community
SIA	Sustainability Impact Assessment
SPONG	Le Secrétariat Permanent des Organisations Non Gouvernementales (Burkina Faso)
SPS	Sanitary and Phytosanitary (Agreement)
SSA	Sub-Saharan Africa
TANGO	The Association of Non-Governmental Organizations in the Gambia
TCDA	Trade, Development and Cooperation Agreement (EU-South Africa Trade Agreement)
TUC	Trade Union Congress (Ghana)
TWN	Third World Network-Africa
UEMOA	West African Economic and Monetary Union
UNCTAD	United Nations Conference on Trade and Development
UN	United Nations
WAEMU	West African Economic and Monetary Union
WTO	World Trade Organisation
PACP	Pacific ACP Region

## **Part I: Introduction and Background of the Study**

## Chapter 1: Introduction

The European Union (EU) has a long history of trading with the Africa, Caribbean and Pacific (ACP) countries with the purpose of fostering their smooth and gradual integration into the world economy. It is hoped that that would subsequently facilitate their sustainable development and thereby reduce or eradicate poverty. In line with this aim, in the year 2000, in what is known as the “Cotonou Partnership Agreement” (CPA) reached between EU and ACP states, a time frame was set for the EU to begin negotiations with the ACP Group for regional Economic Partnership Agreements (see ACP Group of States and European Community and its Member States 2000). These negotiations were also partly prompted by the need to comply with a non-discriminatory rule of the World Trade Organisation (WTO). The two partners had until the end of December 2007 to remove *preferential treatment* that the EU gave to the ACP States in an effort to bring their trading relationship in compliance with rules of the global trade governing body (see WTO Ministerial Conference 2001).

Negotiations, therefore, started in 2002 for new Economic Partnership Agreements (EPAs) with the aim of concluding them by the end of 2007 and their coming into force effective January 1, 2008. The outcomes of the EPA negotiations, however, in 2007 fell short of that expectation; and to date negotiations are ongoing due to strong disagreements between the EU and the stakeholders of the ACP Group over several aspects of the proposed EPAs, regarding their possible negative impact on the development aspirations of the ACP Group.

The EPAs, according to the Cotonou Agreement which serves as the legal basis for their negotiations, are to create *full bi-regional Free Trade Agreements* (FTAs) between the EU on the one hand, and individual Regional Economic Communities (RECs) of the ACP Group on the other. They are supposed to change entirely trade relations and the structure between the partners – as they replace existing unilateral preferential access to the EU market with *reciprocal* market access between both partners. This means the ACP countries are to reciprocate their trade relationships with the EU by equally liberalising tariffs on EU goods and services entering their markets.



The EPAs are also to cover trade in services as well as additional binding rules in new policy areas such as investments, competition, and government procurements among others as discussed below. It is these original proposals made by the EU in the EPAs that generated huge debate among policy makers and academics in ACP countries as well as in the EU about the feasibility of it being a tool for development. While some (mainly EU) actors support the EPAs as proposed with several favourable arguments, others including politicians, civil society organisations, bureaucrats, and academics in both regions have vehemently opposed them, advancing several reasons for their positions.

As of now (May 2016), the state of negotiations is that out of the six/seven<sup>1</sup> Regional Economic Communities (RECs) in the ACP regions, only the Caribbean Forum (CARIFORUM) has signed and implementing a *full* (trade in goods and services) regional level EPA with the EU with an advanced ratification process.<sup>2</sup> Negotiations with the remaining six ACP RECs have not concluded. In cases where regional level EPA negotiations have not concluded, some individual ACP countries have signed or initialled interim bilateral agreements with the EU while awaiting the conclusion of the regional level negotiations. Some other countries have refused to sign any form of EPA with the EU.<sup>3</sup> For an overview of ACP regions and their respective countries with an indication of levels of development, see Table 1 below;

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<sup>1</sup>Initially there were six RECs negotiating the EPAs with the EU but the East-Africa Community was devolved from the existing Eastern and Southern Africa and Southern-African Development Community framework for a separate negotiation.

<sup>2</sup>According to the initial plan, all seven trading blocs in the ACP region were to sign and begin to implement the EPAs with effect from 1 January 2008.

<sup>3</sup>See most recent EPA update issued by the European Commission. 2016

**Table 1: List of ACP Regions and Countries and their Development Statuses**

ACP Region	Least Developed Countries* (LDCs)	Developing Countries (Non-LDCs)
<b>Central African Economic and Monetary Community (CEMAC)</b>	Cameroon, The Central African Republic, DR Congo, Chad, Equatorial Guinea, Sao Tome	Gabon, The Republic of Congo
<b>East African Community (EAC)</b>	Burundi, Rwanda, Tanzania, Uganda	Kenya
<b>Eastern and Southern Africa (ESA)</b>	Comoros, Djibouti, Eritrea, Ethiopia, Madagascar Malawi, Somalia, Sudan, Zambia	Mauritius, Seychelles, Zimbabwe,
<b>Economic Community of West African States (ECOWAS)</b>	Benin, Burkina Faso, The Gambia, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Senegal, Sierra Leone, Togo	Cote d'Ivoire Ghana Nigeria Cape Verde
<b>Southern African Development Community (SADC)</b>	Angola	Lesotho; Mozambique, Namibia, Botswana, Swaziland
<b>Pacific ACP Group (PACP)</b>	Kiribati, the Solomon Islands, Tuvalu, and Vanuatu	Cook Islands, Fiji, the Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa <sup>4</sup> , and Tonga
<b>Caribbean Forum (CARIFORUM)</b>	Haiti	Antigua and Barbuda The Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Suriname, Saint Lucia, St. Christopher and Nevis, St. Vincent & the Grenadines, Trinidad and Tobago

**Source:** Author's own compilation based on UN Country Classification and EU's EPA negotiation regional groupings. \*What are LDCs? using the following three criteria; Gross National Income (GNI) per capita, Human Asset Index (HAI) and Economic Vulnerability Index (EVI), the UN defines Least Developed Countries (LDCs) as "low-income countries suffering from structural impediments to sustainable development." (see United Nations 2013). The UN approved list of Least Developed Countries is found in Appendix 3.

<sup>4</sup> Samoa moved from LDC to become a developing country in 2014.

## Elements of the Proposed Economic Partnership Agreements

On the basis of EU proposal for the EPAs (derived from the so-called “Council Mandate”) and on the basis of the interim EPAs initialled or signed between the EU and some ACP countries and regions as well as on the basis of the only “full regional EPA” signed between the EU and the CARIFORUM, the elements of the EPAs include provisions such as listed in Box 1 below;

### Box 1: Indicative Provisions of Proposed EPA between the EU and ACP Regional Economic Communities

Among the originally proposed issues to be covered under the EPA negotiation included:

- a. The establishment of regional Free Trade Areas (FTA) between the EU and ACP regions.
- b. Liberalisation of trade in goods and period of transition towards full liberalisation in ACP countries ranging from 10-12 and maximum of 15 years.
- c. Rules of Origin (RoO) on traded goods.
- d. Provisions on trade facilitation.
- e. Provisions on Technical Barriers of Trade (TBT).
- f. Liberalisation of trade in services.
- g. Binding rules on investments.
- h. Provision on competition policy.
- i. Binding rules on government/public procurements.
- j. Binding rules on innovation and protection of Intellectual Property Rights (IPR).
- k. Provision on Sanitary and Phytosanitary Measures (SPS).
- l. Provisions on development cooperation.
- m. Provisions on agricultural and fisheries
- n. Inclusion of Most Favoured Nation (MFN) and National Treatment (NT) clauses and

**Source:** Author’s compilation based on original official documents on EPA (ACP Group of States 2002; European Commission 2002a, b, 2004b, c).

As can be seen, the proposed EPAs are; to establish FTAs between the EU and the ACP regions; to liberalise trade in goods and services between the parties; improve on Rules of Origin; cover rules on investments; competition policy among others as highlighted above.

While the EU has insisted on all of these provisions (as provided in Box 1 above) in the EPA, the ACP Group in general and the Regional Economic Communities (RECs) have opposed the inclusion of some of them – especially the inclusion of the so-called “Singaporean issues”, which include public procurement,

rules on investment, and competition policy as well as trade facilitation – mainly because those are not even yet agreed upon at the WTO level (see ACP-EC Council of Ministers 2008; ACP-EU Council of Ministers 2008a, b; ACP Council of Ministers 2004, 2005a, 2007a, b, 2014; ACP Heads of State and Government 2008, 2012).

Additionally, although the ACP RECs have been demanding *additional* financial resource commitment from the EU to support their transition to full liberalisation and market access under the proposed EPA regime, the EU has refrained from committing to giving such legally binding additional financial resource (see *ibid.*). The EPA negotiations, therefore, are still ongoing with divergence views between the EU and the ACP regions. Below in Box 2, an indication of an overview of the evolutionary timelines regarding the EPA negotiation policy of the EU is offered.

#### **Box 2: Indicative Timeline of EU-all-ACP EPA Negotiations**

- 9 April 2002: European Commission proposes Recommendation for Council Decision for the negotiations of Economic Partnership Agreements (EPAs) with ACP countries and regions (SEC (2002) 351 final).
- 17 June 2002: EU foreign ministers unanimously adopted a mandate for the European Commission to negotiate EPAs with the ACP
- 21 June 2002: ACP Trade and Finance Ministers agree on EPA negotiation guidelines for the ACP regions.
- 27 June 2002: ACP Council confirms guidelines for ACP regions to negotiate EPA with EU.
- 5 July 2002: ACP publishes the adopted Guidelines for EPA negotiation (ACP/61/056/02 [FINAL]).
- 27 September 2002, Brussels: the European Union and all-ACP countries officially opened negotiations for Economic Partnership Agreements (EPAs)
- 30 October 2002, ACP House, Brussels: 1st all-ACP – EU Ambassadorial level meeting on negotiations of Economic Partnership Agreements. Issues discussed included; Structure for the negotiations; Issues to be considered during Phase I; Procedure for moving from Phase I to Phase II; establishment of a Joint ACP-EU Steering Committee on WTO negotiations and calendar of meetings:
- 9 December 2002, ACP House, Brussels: 2nd all-ACP- EU Ambassadorial Meeting on EPA. Issues discussed were objectives, principles and overall structure of EPAs and legal statuses of EPA
- 5 & 7 February 2003: 1st meeting of the Specialized Group on legal issues. Issues negotiated on included; Principles and objectives of the EPAs; General structure and content of the EPAs; Definition of Parties to the EPAs; Conclusion of the All-ACP phase; The non-execution clause; Dispute settlement;

Compatibility of the EPAs with WTO rules and Procedures for the entry into force of the EPAs

- 12 February 2003, Borschette Centre, Brussels: 3<sup>rd</sup> ACP-EC Ambassadorial on EPA
- 17 February 2003: 2nd session of the Specialized Group on legal and other issues of the EPA negotiations
- Friday, 21 February 2003, ACP House-Brussels: First dedicated session on the development dimension of EPAs. The discussion focused on EPAs as an instrument for development; and the link between EPAs and development co-operation.
- 11 April 2003: Second Dedicated Session on the Development Dimension of EPAs
- 15 April 2003, Brussels: First dedicated session on market access
- 6 May 2003: Fifth ACP-EC Ambassadorial meeting on EPA. Discussion focussed on legal issues on EPAs, development dimension of EPAs, and report on market access.
- 4 June 2003, ACP House, Brussels: Third dedicated session on the development dimension of EPAs
- 13 June 2003: 3<sup>rd</sup> Session of Specialized Group on legal issues in Brussels. Issues discussed were on preserving the acquis of Lome/Cotonou Agreements, Commodity Protocols, EPA compliance with WTO rules, and the legal status of all-ACP-EU Level EPA agreement.
- 25 June 2003, ACP House, Brussels: a dedicated session on the development dimension of EPAs in the area of services. Focus of discussion was on the development of the services sector in the ACP regions
- 27 June 2003, ACP House, Brussels: Fourth dedicated session on the development dimensions of the EPAs, Discussion focussed on industrial development and regional integration.
- Tuesday, 1 July 2003, ACP House-Brussels: First dedicated session on trade-related with negotiations focusing on the exchange of views on trade-related issues.
- 3 July 2003 at 10:00 a.m. at ACP House, Brussels: Second Dedicated, Session on Market Access
- 4 July 2003: 6th ACP-EC Ambassadorial negotiations on EPA
- Friday, 11 July 2003, ACP House, Brussels: Seventh ACP-EC Ambassadorial Meeting on the negotiation of EPAs. On the agenda was Agriculture and Fisheries; trade in Services; Trade Related Issues and transition from all-ACP phase of negotiations to the second phase
- 26 September 2003, Brussels: adoption of ACP Follow-Up Mechanism For Phase II of the EPA Negotiations
- 2 October 2003, Brussels: Joint Report on the all-ACP – EC phase of EPA negotiations
- 2 October 2003: ACP Council of Ministers and European Union (EU) Commissioners for Trade and Development launch the second ACP-EU Ministerial Meeting for the Economic Partnership Agreement (EPA) negotiations.
- 20 December 2007: Council of the EU adopted the Regulation (EC) No

1528/2007, which set the EU import regime for the African, Caribbean, and Pacific countries that had negotiated, but not yet signed and ratified, Economic Partnership Agreements

- 22 October 2012: initial EU Council position on proposed amendment of Market Access Regulation (MAR) 1528/2007.
- 30 November 2012: a draft EU Council statement was issued on the EC proposal to amend Market Access Regulation (MAR) 1528/2007.
- 11 December 2012: the European Council confirmed its position, supporting the Commission's deadline of 1 January 2014 for the conclusion of the EPA process.
- 13 January 2013: EU Council reaffirms its commitment to January 2014 deadline for completion of EPAs.
- 13 September 2013: the European Parliament voted to amend the proposal of the European Commission to amend the EPA Market Access Regulation 1528/2007 which sought to prevent countries that have not taken the necessary steps to ratify and implement their EPA agreement as from 1st January 2014. The vote was 322 votes to 78 (with 218 abstentions), in favour of an extension of the 2014 deadline to 2016.
- 5 October 2013: the Council of the EU's Trade Policy Committee rejected Parliament's amendment on EPA Market Access Regulation 1528/2007
- 1 January 2014: Amendment of Market Access Regulations (MAR) 1528/2007 comes into effect.

**Source:** Compilation based on review of various documents and press releases of European Commission, ACP Secretariat and others structures of the ACP Group of States

As showcased in Box 2 above, by a unanimous decision, the EU Foreign Affairs Council approved the “EPA negotiation mandate” for the European Commission on 17 June 2002. Official EPA negotiations subsequently commenced on 27 September 2002 in Brussels, with the aim of reaching a conclusion by the end of 2007 at the latest. However, as indicated already, those negotiations are to date not concluded. On the basis of the empirical evidence of the EPA negotiations and its outcomes above, the research problem of the thesis is presented below.

### **1.1. Research Interest: Twofold**

Issues that generate the research interest of this study could be grouped into two main areas. Firstly, how an economically and politically powerful EU would be seen to be “struggling” to reach a conclusion of international trade agreements with a supposedly economically and politically “subservient” ACP Group and regions. Secondly, on the basis of the evidence of the EPA negotiation processes and outcomes, it is assumed from the onset that “conventional” theories of IR and EU

studies could not possibly offer convincing explanations to the phenomenon. If so, could negotiation theory thus come to the rescue? These twofold research interests are further elaborated below.

### **Is there a limit to EU's negotiation power and leverage?**

It has been argued that, once the EU has successfully established a common market and member countries have transferred powers for international trade negotiations to the European Commission, the EU would normally easily conclude trade negotiations with third parties (see Dür and Elsig 2011; Larsén 2007a, b, c; Meunier 2005a; Meunier 2000, 2007; Meunier and Nicolaidis 2005; Meunier and Nicolaidis 2006; Nicolaidis 1999; Pollack 2003a, b). This proposition assumes effective internal decision-making processes within the EU. Similarly, that proposition alludes to the general structural theoretical assumption that, as a stronger international player with asymmetrical “structural power”, and a huge market incentive, the EU would quickly “extract” agreements from relatively and structurally *weaker* third parties (see Buzan 2009; Galtung 1964, 1971; Glaser 2003; Guzzini 1993; Hills 1994; Keohane 1993; Mearsheimer 2006; Waltz 2000; Williams 2014).

In other words, from an international political economic perspective, the structural and economic advantage the EU has over the ACP regions would suggest that it has a lot of leverage with them and could thus dramatically influence trade negotiations such as the EPAs with them in line with its wishes. This view of EU's influence globally as an “actor” is contended by Bretherton and Vogler (1999, 2008). In their view, EU is a “*sui generis*” actor in global politics that has the “presence” (ability to exert influence beyond its borders); has the “opportunity” (factors in the external environment that enables or constrains actorness); and has the “capability” (the ability of internal policies and context to generate external response by third parties who are affected) (see Bretherton and Vogler 2008:404-407). These characteristics of the EU would thus make it influential in international trade and political negotiations.

However, pondering over the processes of the EPA negotiations with the ACP regions and countries, and the outcomes so witnessed, cast doubts on the veracity of such assumptions about the EU's influence and capabilities on the international

stage. In some cases, it has taken over ten years of negotiations – several years after the original deadline for the conclusion of the agreement – and resulted in a watered-down version of the proposed EPAs. Article 37:1 of the Cotonou Partnership Agreement (CPA), which serves as the legal basis for the EPA negotiations, reads;

“Economic Partnership Agreements shall be negotiated during the preparatory period which shall end by 31 December 2007 at the latest. Formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into force by 1 January 2008, unless earlier dates are agreed between the Parties (ACP Group of States and European Community and its Member States 2000).

That Cotonou provision reveals that its negotiations have exceeded the initial 2007 negotiation deadline by more than eight years, and yet the EU’s EPA negotiations with the West African region, for instance, have not concluded. Similarly, other regional EPA negotiations are still ongoing. This empirical fact that *full* regional agreements with the majority of the ACP RECs are yet to conclude in the face of the EU’s asymmetrical power calls for academic enquiry. The reasons for such different negotiation outcomes warrant a rigorous analysis – and that is the first part of interest in this dissertation research.

In order to unravel this research puzzle, seeing the limitation of the EU’s structural and normative power in explaining the EPA negotiation outcomes, a consideration of “other” theoretical and conceptual framework is warranted. That consideration leads to the contemplation of the extent to which a negotiation theoretical framework would offer a more robust explanation, as briefly discussed below.

### **How does Negotiation Theory help to Explain EPA (International Trade) Negotiation Outcomes?**

Having called into question the plausibility of “conventional” EU-centric theories and concepts used in studying the EU’s role in the world to explain the EPA negotiations outcomes puzzle, the second research interest area of this study investigates the extent to which negotiation theory helps to explain difference in negotiation outcomes, such as the outcomes emerging from the EPA negotiations.

In studying international trade negotiations such as the EPAs between the EU and the ACP Group, scholars allude to a number of factors *in a continuum* which



have potential to contribute to both the processes and the outcomes. Whereas some negotiation scholars consider the evaluation of the often concealed *interests* of parties against their publicly stated *negotiation positions* (see Katz and McNulty 1995; Sebenius 1983; Stern and Ward 2013), and/or *power relations* between parties (see Dinar 2009; Zartman 1971) as an approach to explain international negotiations; others focus instead on bargaining or negotiating *strategy* and *tactics* used in the negotiation (see Elms 2006; Kim 2004; Odell 2002; Shell 1999). Alternatively, some scholars review the role of alternative(s) to the proposed agreement – what is conceptualised as Best Alternative to the Negotiated Agreement (BATNA) as a means to understand the negotiation outcome (see Fisher and Ury 1981; Odell 2002; Wheeler 2002). Moreover, the *negotiating contexts* (both internal and external) (see Crump 2011; Weiss and Bedard 2000) and the extent to which the *issues* of negotiation are *linked with other issues of interest* to the negotiation parties (known as issues linkage) (see Poast 2012; Poast 2013; Weber and Wiesmeth 1991) are sometimes the focuses of analyses in negotiation studies. This is just to name a few of the research variables that are usually the focuses of international negotiation studies.

Indeed, the literature shows a myriad of variables that are analysed *in the continuum* in order to offer explanations to negotiation processes and outcomes. That situation also means that a given negotiation outcome could be attributable to several factors as acknowledged by Crump: “The outcome of a single negotiation can have multiple explanations depending on the variables selected for analysis” (Crump 2011:197). The second area of research interest in this study is therefore to determine the extent to which *three purposefully selected variables* of negotiation theory (indicated below in section 1.3 and elaborated in chapter 3) could help to explain the different EPA negotiation outcomes between the EU and its ACP regional counterparts.

## 1.2. Research Questions

As described above, the different EPA negotiations outcomes between the EU and the ACP regions raise a number of questions. However, given the analytical focus of this study, a dominant research question that is addressed is:

***Under what conditions are Economic Partnership Agreements between EU and the ACP Regional Economic Communities concluded?***

This main research question is further broken into two parts based on the different EPA negotiation outcomes witnessed since the negotiations commenced:

- I. Why did the CARIFORUM-EU EPA negotiations conclude?***
- II. And why are the West Africa-EU EPA negotiations not concluded?***

### **1.3. Research Design and Variables**

#### **Comparative Case Study**

To answer the main research question and its two parts, a choice is made to systematically study two of the regional negotiations that are arguably most curious – The EU-West Africa, and EU-Caribbean Forum EPA negotiations respectively.<sup>5</sup> The two cases have been selected because of the variation in their Dependent Variables – although in some sense there also exist variation in their Independent Variables. It is thus important to point out right away that, even though the two regions are compared and treated as “most-similar systems design”, it is admitted that the two, as in a real world situation, are not *perfectly* similar cases.

The two regions are selected for study based on their difference in EPA negotiation outcomes. On the one hand, the Caribbean Forum was the first and is the only ACP region to have *concluded a full and comprehensive regional-level* EPA with the EU. As the only region to have concluded the EPA in this case, it is academically curious and, policy-wise, it is relevant to study why this was the case. On the other hand, West Africa (ECOWAS) has *not* concluded a regional-level EPA with the EU. Moreover, ECOWAS is the most significant trading bloc in the ACP Group for the EU, based on trade value and volume, as exemplified by the following statement of the European Commission;

“Of the ACP regions negotiating EPAs, West Africa is the biggest in terms of trade, accounting for over 40% of all EU-ACP trade” (European Commission 2005d:7).

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<sup>5</sup> As hinted above, there are seven ACP regions negotiating EPAs with the EU. However, examining all of them into details goes beyond remits of this limited Ph.D. research. As such two most curious regions are selected for extensive analysis.

Trading relations between EU and ECOWAS are thus important to each other as could be further seen in Box 3 below. Bilateral trade between the EU and ECOWAS around the time when EPA negotiations began was around €25 billion per annum. Recent statistics from the European Commission (2015) still show West Africa as the most important trading partner of the EU among the ACP group. That significant trade position of West Africa in relation to the EU and vice versa has not changed to date.<sup>6</sup>

### Box 3: Bilateral trade between EU and ECOWAS, 2005

The EU is West Africa's leading trading partner, accounting for almost **40%** of the region's trade. Bilateral trade between the EU and West Africa has recently totalled about **€25 billion a year**. The region's exports to the EU totalled **€10.5 billion in 2004**. The main categories of exports were minerals (fuels accounting for 43%, iron 3%, aluminium 2% and gold 1%), agricultural products (cocoa 19%, fresh fruit 3%), fishery products (5%) and forest products (timber 2%, rubber 2%). In 2004 the EU exported goods worth **€12.1 billion** to West Africa (including electrical equipment, energy, transport equipment, medicines and dairy products). **Of the ACP regions negotiating EPAs, West Africa is the biggest in terms of trade, accounting for over 40% of all EU-ACP trade.**

**Source:** European Commission (2005d:7)

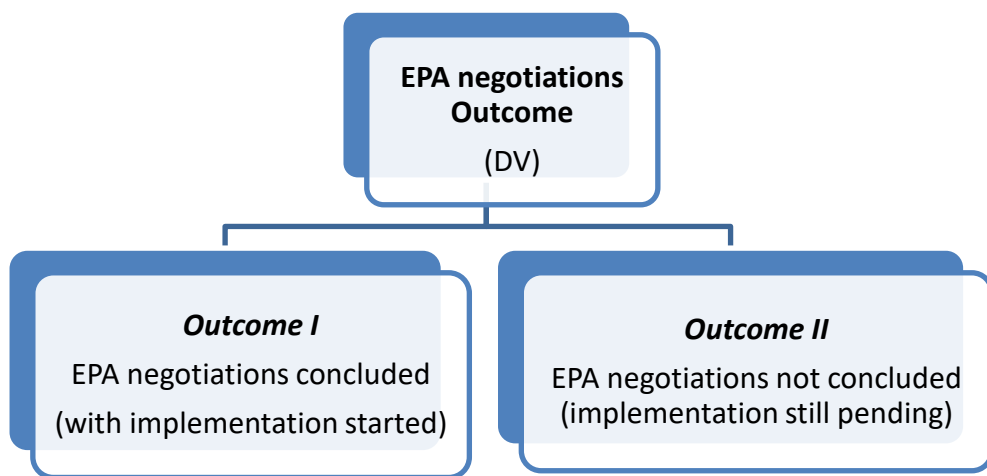
It is thus a considered opinion here that, a study of the behaviour and preferences of ECOWAS, as the most important ACP region to the EU and vice versa, and the curious case of the Caribbean Forum as far as the negotiations of the new reciprocal EPA trading regime is concerned, will offer interesting academic, political and policy lessons for both the ACP Group and the EU as well as other interested stakeholders in international trade negotiations (see section 4.2 below for further discussion on the case selection). It is thus also assumed that the research findings from those two case studies could be generalisable to the other ACP regions and possibly beyond. A

<sup>6</sup>European Commission 2014 trade statistics show that, "West Africa is the EU's largest trading partner in Sub-Saharan Africa and represents 2% of EU trade (2.2% of EU imports and 1.8% of EU exports). The EU is West Africa's biggest trading partner, ahead of China, the US and India: the EU accounts for 37.8% of West Africa's exports and 24.2% of West Africa's imports. In value, EU – West Africa trade amounts to € 68 billion, and West Africa has a trade surplus of € 5.8 billion" (See European Commission. 2015b:4)

detailed overview of the two regions and their relations with the EU as well as their EPA negotiation processes are discussed in Chapters 5 and 6 respectively. Now the Dependent and Independent research variables of the study are presented below.

### **Dependent Variable**

On the basis of the research question above, the Dependent Variable (DV) of the study is the *outcome* of the EPA negotiations between the EU and the ACP regions, thus dichotomously explaining when the agreement concludes and it does not. This scenario is depicted in the pictorial diagram below;



*Source:* Author's own illustration.

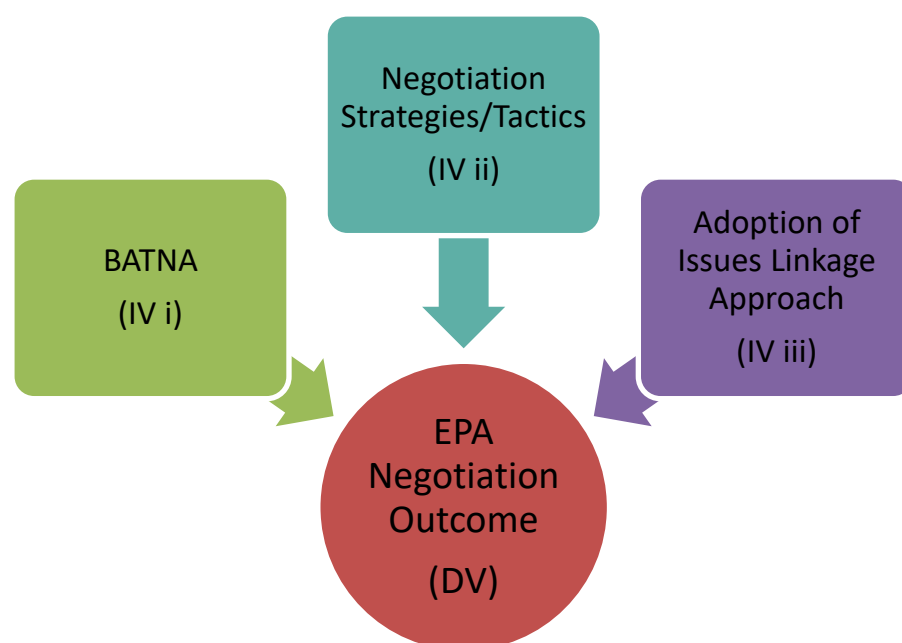
On the other hand, the Independent Variables (IV) of the study, deduced from negotiation theories, are presented below.

### **Independent Variables**

Among several possible explanatory variables (Independent Variables) inferred from Negotiation Analytical Approach (negotiation theory), guided by the knowledge and evidence of the EPA negotiation processes and outcomes, three are identified as most plausible in helping to answer the research question as stated above.

They are:

- I. The presence or otherwise of a Best Alternative to Negotiated Agreement (BATNA) to negotiating parties.  
The thesis identifies availability or otherwise of a BATNA as an important explanatory variable to the outcome of the EPA negotiation outcome.
- II. Negotiation strategies and tactics used by the negotiating parties  
A second explanatory variable used in the thesis is negotiation strategy and tactics that were adopted by the negotiating parties in the course of negotiations.
- III. Issues linkage strategy  
The third and final IV used to explain the dependent variable (the outcome of negotiations) is the role issues linkage approach plays in negotiating outcome.  
The relationship between the three IVs is depicted in the diagram below:



**Source:** Author's own illustration.

These three Independent Variables are in no way exhaustive but on the basis of the initial evidence gathered on the subject of EPA negotiation, they are considered the *most plausible* to offer an explanation to the international trade negotiating outcomes witnessed between EU and third party Regional Economic Communities among the ACP Group. Again it must be pointed out from the onset that the three IVs are not actually *independent* of each other. As is the practice in negotiation analysis, analysts usually consider the negotiation variables in a *continuum* due to their interrelationship (see Sebenius 1984, 1992; Wheeler 2002). This means, in the real

world, that the three IVs are not supposed to compete but *complement* each other to offer a robust explanation for the negotiation outcome. In this study, however, an attempt is made to design and delineate them as “independent” conceptually, to offer a clear line of analysis. Further discussions of the IVs are discussed in Chapter 3 below.

#### **1.4. Relevance and Implications of Study**

As shown above, this thesis has been designed to investigate the reasons for the different outcomes of the EU’s EPA negotiations with the ACP Group, comparing the cases of CARIFORUM and ECOWAS negotiations. This subject of study is highly relevant for: diverse stakeholders ranging across the EU and the ACP Group policymakers, and interested citizens and corporations; stakeholders within international trade policies; as well as international development policy practitioners and global politics academics.

First and foremost, studying the EPA negotiations is important because its processes and outcomes have strong implications for EU relations with the ACP Group now and in the future. The transition to and the inception of the EPAs regime after the demise of the unilateral trade preferential regime contains within it the possibility to enhance or mar development efforts in the ACP countries – consisting of mainly poor and underdeveloped economies. Considering the contentious nature of the negotiation so far, its outcome will have either positive or negative implications for EU-ACP relations, which have been courted for several decades.

Secondly, the new EPAs proposed by the EU, purport to go even beyond current multilaterally agreed trade regimes under the WTO. In this way the EU is seeking to shape global trade governance in an unprecedented manner through bi-regional and bilateral agreements. Therefore by understanding the EPA negotiation processes and outcomes as pursued in this study, stakeholders could get to know and understand the invaluable lessons and implications they have for global trade governance.

Thirdly, this study, by seeking to test existing hypotheses in the field of international (trade) negotiations, will contribute to validating assumptions of negotiation theories and hence make academically relevant contributions to that specific field as well as in Political Science and International Relations in general.

As hinted above, the focus on explaining bi-regional international trade negotiation outcomes involving EU and ACP regions based on negotiation theory, and the finding that the outcome of negotiations does not only depend on the EU's structural power would be a departure from the popular assumption in European studies literature. This is the case because the "conventional" approach has been to explain negotiation outcomes by assessing the predominant role of EU in such international negotiations with partners (leaving out the perspective of those partners) (see Dür and Elsig 2011; Larsén 2007a, b; Meunier 2005a; Meunier 2007; Meunier and Nicolaidis 2005; Nicolaidis 1999; Pollack 2003b). Therefore, a general finding that the outcome of international trade negotiations (EPAs) involving the EU and a third party depends on: whether or not that party has (a) better alternative(s) to what EU proposes; the kind of negotiation strategies pursued by both parties; and the application of issues linkage technique; would be unique to this study. That finding is especially relevant when viewed in the context of the dependent relationship that has existed between the ACP countries and the EU, where the former is expected to be subservient to the latter. The next section outlines the thesis structure, which has been designed to address the research question posed in this study.

### **1.5. Thesis Structure**

This chapter (1) has given the general introduction of the thesis. It has described the background of the thesis, indicated the research interests and the research questions of the study. It has also briefly presented the research design and dependent and independent variables. Below is an indication of the subsequent chapters of the thesis and how they have been consistently arranged to address the main research questions.

Chapter (2) highlights the existing literature on the EU as a global trade actor, EU-ACP (trade) relationships, as well as discussions on new trade policy in the form of the Economic Partnership Agreements.

Chapter 3 presents the theoretical and conceptual framework that is adopted for the study. It discusses the three elements of Negotiation Analytic Approach (NAA) and the three hypotheses generated along the lines of the three independent variables whose explanatory power is tested in this study.

The next chapter (4) identifies the research design and comprehensively discusses the methodological approaches used to gather relevant data in the course of completing this research project. It discusses the approach for the verification of data, data analysis. Before conclusion, this chapter discusses the challenges faced in the course of the research and how they have been addressed to ensure a scientifically standardised thesis.

Chapter 5 presents the first case study of the thesis. It introduces the EU-CARIFORUM relations, discusses relevant socio-economic and political features of the region and discusses the state of play of the EPA negotiations.

Chapter 6 subsequently present the second comparative case study of the thesis. The chapter introduces EU-ECOWAS relations, discusses relevant socio-economic and political features of the region and discusses the state of play of EPA negotiations between the two regions.

The next chapter (7) offers a comparative analysis of EPA negotiations between EU-ECOWAS on one hand and EU-CARIFORUM on another. The analysis is conducted at two levels: firstly at the level of all-ACP and EU and secondly at the level of the EU and the respective ACP Regional Economic Communities alongside the three independent variables and their correspondent proposed hypotheses.

Chapter 8 presents the conclusion of the study. It summarises the thesis and presents its findings. It then discusses the theoretical implications of the usefulness of Negotiation Analysis in this study on macro theories of EU and international relations studies. It subsequently points out identified areas of similarities in the EPA negotiations as well as identified contradictions that account for the difference in outcomes in the two negotiations by testing the stated hypotheses. It discusses the findings regarding the two ACP regions compared in the study and goes on to present some future research recommendations. The chapter ends with policy recommendations resulting from the implications that the findings of this study have on future bi-regional trade negotiations and the political relationship between the EU and the ACP Group as a whole.



## **Part II: Literature Review on the EU and the ACP Group of States**

## **Chapter 2: European Union's Trade and Development Relations with ACP Countries; Theory and Practice**

The trade relationship between the European Union and the African, Caribbean and Pacific countries dates back to the 1950s. In order to present an overview of the subject of this thesis – analyses of factors leading to different EPA negotiating outcomes between the EU and some ACP Regional Economic Communities (RECs) – there is the need to have an overview of the long-standing relationship between the two main regional parties in theory and in practice. This relationship is largely based on the EU's global and international actorness and actions. This chapter is divided into three parts. The first part (section 2.1) discusses relevant existing literature on EU's global (trade) actions. The second part (section 2.2) then discusses the literature, specifically focusing on the EU's trading relationship with the ACP Group. Then, the third and final section (2.3) highlights relevant academic and policy debates on the proposed EPA policy and its negotiations.

### **2.1. Discourse on the European Union as a Global (Trade) Actor**

The EU has become a very strong global actor involved in many policy areas and cooperating with diverse kinds of other international players – of which the ACP Group is one – for purposes of political, economic, development and trade cooperation. The EU with its 28 member states constitutes the largest economy in the world with a Gross Domestic Product (GDP) per capita of €25 000 for its 500 million population (European Commission 2015b:2). The EU by extension constitutes the world's largest trading block producing the world's largest manufacturing goods and services as well as leading in global Foreign Direct Investments (FDIs) (ibid.). It is also known that the EU is the most important trading partner for most developing countries; “the EU is the most open to developing countries. Excluded, the EU imports more from developing countries than the USA, Canada, Japan and China put together” (European Commission 2015b:2).

The evolution and prominence of the EU globally as a phenomenon has attracted quite extensive attention among political scientists and international relations scholars. A number of studies have described and analysed the EU's global actorness over the years with postulations on how it could become a more effective

player on the global scene in the future. As a special kind of actor in the international system, that is neither fully an International Organisation as traditionally known nor a *Westphalian* kind of state, the EU has for example among others been described as a Civilian Power (Duchêne 1972);<sup>7</sup> a Superpower (Galtung 1973);<sup>8</sup> and as a Normative Power (Manners 2001, 2002).<sup>9</sup> These characterisations are based on perceived behaviours and features of the EU. Without an extensive discussion of that, from the onset it is enough to highlight the fact that, the current study departs from an assumption that the EU is considered as an “actor” (see Bretherton and Vogler 1999; Casier and Vanhoonacker 2007; Howorth 2010; Sicurelli 2009; Sonia and Fioramonti 2009) with some kind of “identity” (Manners and Whitman 1998; Whitman 1998) at the international level. It is that perspective that forms the basis and background for understanding the Union’s negotiations with other international actors such as the ACP Group of states. While, discussing all the various forms of EU actorness at the global level is not the focus of this study, the Union’s activities and policies in the trade policy area are of interest.

In relation to the literature on global “identity” and “actorness” of the EU pointed out above, there has been much more academic discourse on the policy goals of the EU at the global level. In the trade policy area, where the EU is conspicuous globally, the literature is prominent on the Union’s promotion of trade liberalisation in the world (Dür and Zimmermann 2007; Jones 2006; Smith 2011). This academic discourse on the EU’s global trade aims is relevant to discuss in this Chapter as it is this agenda that serves as the background and directly explains the proposals of EU as enshrined in the EPA negotiations with the ACP group of states. Of course it is no secret that from the early stages of its development, the EU has been committed to facilitating global trade liberalisation and since the beginning of the 21<sup>st</sup> century the

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<sup>7</sup>By describing the European Community as a Civilian Power, Duchêne saw that the EU was not going to adopt the traditional state’s method of exerting military power in the international system. Rather it was largely to utilise non-military procedures and instruments to achieve its goals in the world.

<sup>8</sup>On the other hand, by describing the European Community as an emerging Superpower, Johan Galtung described the creation of the Community as an attempt to establish a “Eurocentric world” with its centre in Europe and a “unicentric Europe” with its centre in Western Europe (ibid.). In hindsight, looking at how the EU has evolved over the years, that prediction of Galtung is yet to come true.

<sup>9</sup>Ian Manners’ description of the EU as a Normative Power departs from the military-Civilian dichotomy of power to consider the EU’s power and influence in the world based on its ideas, principles and values (norms).

Union has had a renewed effort to push for global trade openness both at “home” and “abroad” – a renewed trade policy of the EU described as a response to the shift in global power (see Young and Peterson 2006; Young and Peterson 2014a, b, c).

It is also observed in the literature that the EU uses the platform of the WTO to pursue its global trade liberalisation and regulations (see De Bièvre 2006; McGuire 2006; Smith 2011) as well as through other bilateral trade agreements it initiates with other countries and regions in the world. This is what has been termed as the EU “shopping” for a venue for cooperation and convergence on trade liberalisation policies (Damro 2006). With its commitment to pursue the liberalisation of trade for several decades, it is not surprising that, since the year 2000, the EU has also proposed a number of free trade measures in its trade relations with its long-time development partner: the ACP group of states. The EU’s “Global Europe” strategy launched in 2006 categorically spells out how the EU should champion the course of freer markets around the world (see European Commission 2006c, d). This policy thus targets protected trade sectors with partners that trade with the Union. The rationale of this EU global trade agenda has been underscored as a way of “managing globalisation” (Meunier 2007). That is to say, the EU is behaving proactively to take advantage of global interdependencies, especially in the area of trade.

On the other hand, the EU’s global trade policy goal which seeks to externalise its internal market policies has been described as a “bad model” for the world by Jones (2006). He argues that a wider and deeper global trade liberalisation agenda seeking to establish a comprehensive framework of economic integration would be rejected. While this research does not directly discuss the merits of the EU’s global trade policy as such, it is important to review this study in that context, as the EPA, as proposed by the EU, seems to be a direct reflection of that global trade liberalisation policy goal.

Still considering literature on the EU at the global level, copious amounts of literature have analysed the external trade policy-making processes of the EU from the perspective of the Principal-Agent (PA) approach (Billiet 2009; Damro 2007; De Bièvre and Eckhardt 2011; Dür and Elsig 2011; Meunier and Nicolaïdis 1999; Niemann and Huigens 2011). These studies demonstrate the usefulness of the PA approach in analysing the EU’s foreign economic policy by considering the EU

Member States as principals who delegate powers to EU institutions, principally the European Commission as an agent. This literature generally argues that the EU's trade, development and international competition policies as well as the Union's behaviour in its foreign and economic relations are either shaped by EU Member States interests as principals, or by those of the EU Institutions when they are able to act as independent agents. Although using the PA approach in understanding EU's foreign economic policy-making in relation to EPA negotiations could be useful, this study does not aim to do that. Rather, the PA approach, which mostly looks at the behaviour of EU decision-makers and less at the "external environment", is not deemed suitable for the identified research problem.<sup>10</sup> Moreover, because it is observed that other external factors directly influence the EPA negotiations, beyond the EU's internal mechanisms, a theoretical or conceptual framework that offers a comprehensive outline to analyse those relevant factors "outside" the EU system that explain the EPA negotiating outcome is needed.

Related to the use of the PA approach in EU studies is a "two-level game" model of Putnam (1988) and a "three level game" (Hubel 2004; Larsén 2007c; Patterson 1997; Smith 2000) which have also been used to study the behaviour of the EU in international negotiations in both bilateral and multilateral settings. These studies mainly argue that during international negotiations, the EU receives a "negotiating mandate" from the Member States and has to constantly give feedback to them. The EU thus normally negotiates with third parties with an attitude of "take it or leave it", due to the difficult internal processes around generating the negotiating mandate (Forwood 2001; Muller 2004; Niemann 2006; Risse 2000). In the course of the EPA negotiations with the ACP Group of States, it seems the EU has taken a similar "take it or leave it" posture with the insistence on a number of provisions. However, the fact that EU would later make some concessions on the provision of "additional funding" and on EPA "transition period", alas after long and protracted negotiations, suggest that the validity of the "take it or leave it" assumption is doubtful. Additionally, the negotiations timeframe going far beyond the expected deadline equally suggests that there are "external factors" to EU internal processes that are main determinants of the EPA negotiation outcomes. In that case,

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<sup>10</sup> See a short overview of criticisms of PA approach by Maher et al.2009.

although the “two-” and “three-level” game analyses of EU international trade policy-making constitute a popular framework, they are not considered suitable to explain the research problem at hand.

Furthermore, several studies of EU international trade negotiations, as well as internal negotiations in trade policy and other policy fields, have successfully explored negotiation theories from various perspectives. It is that successful application of various aspects of negotiation theories in studying EU negotiations that partly informs the adoption of a *Negotiation Analytical Approach* in this thesis as an analytical and conceptual framework. This is because it offers quite a comprehensive and flexible outline to understand the various factors that contribute to negotiation outcomes, as is the aim of this study. Some of the studies applying negotiation theories have discussed how the EU conducts external (international) trade negotiations successfully or otherwise (Dür et al. 2010; Odell 2000, 2010). On the other hand, internal EU negotiations in diverse policy fields have also been evaluated using negotiation theories. See for instance the works of Elgstrom and Jonsson (2000); Jönsson et al. (1998); Conceição-Heldt (2006) and Altschul (2007). The literature list above is not exhaustive but they do point to how the application of negotiation theories have become quite prominent in studying internal as well as external EU policy-making processes. Based on the above good examples and the plausibility of the Negotiation Analytic framework to address the research interest of this study, the same is adopted to answer the research question of this study.

Relatedly and even more importantly, it is observable that while there have always been negotiations between the EU and the ACP Group of States since 1975 in political, economic and developmental cooperation from the Yaoundé, Lome and Cotonou Conventions up to the current negotiations of Economic Partnership Agreements, it would seem that few studies of this prominent and long-lasting relationship have been undertaken from the perspective of negotiation studies. A search of the literature that systematically assesses EU-ACP negotiations over the years brings only a few results.<sup>11</sup> By undertaking a comparative analysis of the EPA

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<sup>11</sup>See for instance, a study using two-level game analysis to explain the negotiation of Cotonou Partnership Agreement between the EU and ACP countries and thereby highlighting domestic factors that influence the negotiation at the international level by Forwood (2001) and studies assessing EU-

negotiations using a negotiation-analytic approach, this study thus contribute to the theoretical and conceptual development of negotiation analysis in the field of EU-ACP relations, contributes to the development of EU negotiation literature, and more generally contributes to the development of an empirical case study in the field of international political economy.

In concluding this section, essential empirical and theoretical discussions in the literature on the EU's global actions, its external trade policy making goals and processes as well as the discourse on the successful application of negotiation theories in EU studies have been discussed. It has also been pointed out in this section that adopting negotiation analysis as the analytical and conceptual approach for this study is suitable, as it offers a comprehensive framework for analysis and can be flexibly adapted to address the research problem of interest. The following section subsequently presents an overview of EU-ACP relationships that led to the birth of the EPA negotiations.

## **2.2. EU Relations with Africa, Caribbean and Pacific countries in practice**

The EU as a regional bloc and countries belonging to the Africa, Caribbean and Pacific (ACP) Group have had cooperation dating back to the 1950s when the economic and political Union was started in Europe. Before then, the relationship between some individual EU Member States with some of the ACP Countries were long-established – dating back to the 15<sup>th</sup> century through colonial relations. Although analysing the EPA negotiation outcomes is the main subject of this thesis, it is necessary to provide an overview of EU-ACP cooperation in order to put the study in its proper context. This overview will facilitate a better understanding of all the issue-linkages at stake in the EPA negotiations, especially on trade and development policy issues – two policy areas that have been very central in the relationship between EU and ACP countries since 1975.

Without attempting to exhaust all the intricacies of EU-ACP relations, only issues considered relevant to this study are presented in this section. The section begins with an exposition on the ACP Group's trade position in the world and its

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South African trade negotiations from the perspective of a “three-level” model and from a Principal-Agent approach by Larsén (2007a, b, and c).

practical and material trade dependence on the EU – a dynamic that underpins and has had profound implications on the entire EPA negotiations – and proceeds to discuss relevant themes that have characterised studies on EU and ACP relations.

### **The ACP Group's Global Trade Position**

The protracted EPA negotiations between ACP regions and the EU reveal that the parties are undoubtedly engaged in cost-benefit calculations regarding the benefits of the agreement for their regions and individual economies. For the ACP Group, a lot is at stake in the EPA negotiations. The EU seems to have been asking too much from a Group struggling to find its feet in global trade through the proposed EPA. In a recent reawakening statement after a Summit in Equatorial Guinea, the ACP Heads of States made a clarion call among themselves to work tirelessly to change their global trade position:

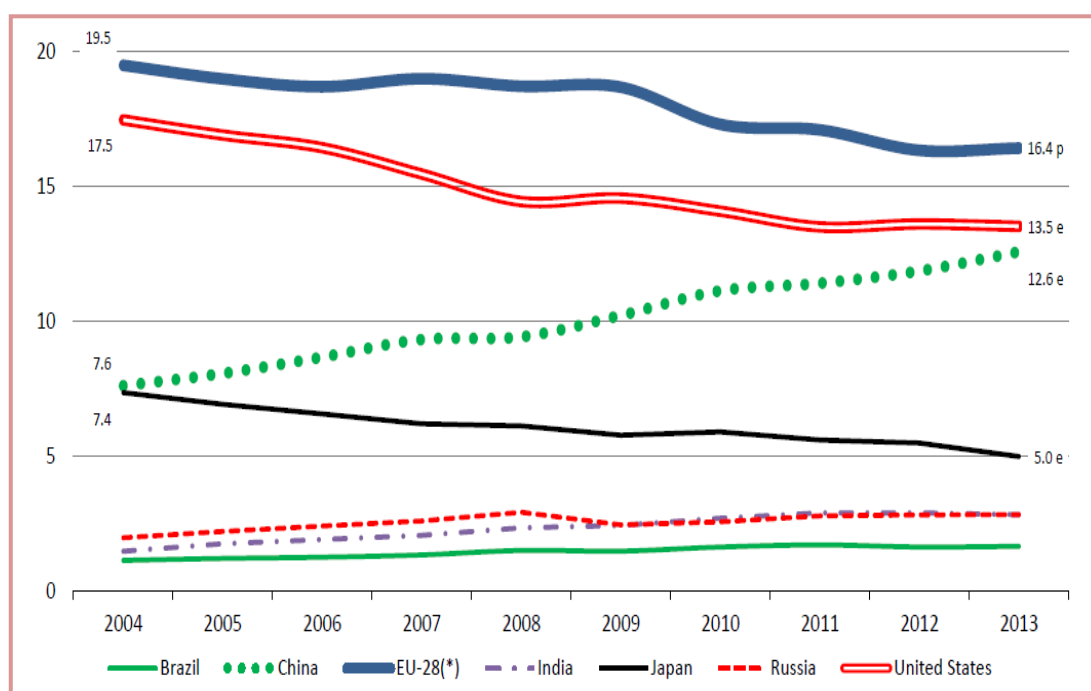
“with inhabitants exceeding 986 million people or about 15% of world population, it is of great concern that our States together account for a tiny proportion of only 3 percent of global trade in goods and services” Sipopo Declaration (ACP Heads of State and Government 2012:5)

Here is a group of 79 countries whose population account for 15% of the world, yet in terms of share of global trade they take only an intangible 3%. That is the contrasting material trade situation of the Group negotiating EPA with the EU – a group of 28 countries, among the most industrialised economies in the world accounting for about 16.4% of global trade, according to 2013 WTO and European Commission figures – as can be seen in Figure 1 below.

It is observable from Figure 1 that from 2004 to 2013, the EU consistently took the highest percentage share of global trade in goods and services, taking 19.5% in 2004 and 17.3% in the preliminary data for 2013. The United States followed with the second highest percentage share (from 17.5% in 2004 to 13.5% in 2013).



**Figure 1: EU share\* of Global Trade in Goods & Services from 2004-2013 in comparison with other major world economies (%)**



**Source:** European Commission (2015d:11), Eurostat (Comext, Statistical regime 4); Eurostat (bop\_its\_tot), WTO \*Coverage: shares in world trade excluding intra-EU trade. Services are for EU-27 before 2010. (e) estimate; (p) preliminary data (for services).

It can be seen that China, Japan, Russia, India, and Brazil follow in that order in terms of percentage share of global trade in goods and services. The EU and the ACP Group, from the global trade picture painted above, are thus worlds apart. Nevertheless, for almost all the ACP countries, the EU is their predominant and most important trading partner as briefly highlighted below.

### ACP Group's Trade Dependence on EU

According to recent trade statistics (2014) the EU, being the topmost trading partner of the ACP Group, accounts for 24.8% of the Group's total world trade in goods (European Commission 2014d:9). Consequently, the EU is the main export destination of the ACP Group which mainly consists of agricultural goods, raw materials, and crude oil. The EU is equally the main source of imports into the ACP regions – mainly of manufactured goods, machines and equipment (see European Commission 2006b; European Commission 2014d). As can be seen from Table 2 below, the EU's trading with the ACP Group in comparison with other trading

partners of the EU places the ACP Group among the least important partners, in both imports and exports.

**Table 2: EU-27 Trade with Main Partners (2012)**

Partner regions	Mio euro	%
ACP	185,848	5.3%
Andean Community	29,467	0.8%
ASEAN	181,360	5.2%
BRIC	922,711	26.5%
CACM	14,900	0.4%
Candidate Countries	145,040	4.2%
CIS	446,146	12.8%
EFTA	394,961	11.4%
Latin American Cour	220,275	6.3%
MEDA (excl EU and 1	166,153	4.8%
Mercosur	99,461	2.9%
NAFTA	606,746	17.4%

*Source: (European Commission 2013b:4), EUROSTAT (Comext, Statistical regime 4)*

**EFTA:** Iceland, Liechtenstein, Norway, Switzerland;  
**Candidates:** Croatia, Iceland, Macedonia (the Former Yugoslav Republic of), Montenegro, Serbia, Turkey;  
**CIS:** Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan;  
**Andean Community:** Bolivia, Colombia, Ecuador, Peru;  
**CACM:** Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama;  
**Mercosur:** Argentina, Brazil, Paraguay, Uruguay;  
**NAFTA:** Canada, Mexico, United States;  
**Latin America Countries:** CACM, Mercosur, ANCOM, Chile, Mexico, Venezuela;  
**BRIC:** Brazil, Russia, India, China;  
**ASEAN:** Brunei, Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Thailand, Vietnam;  
**ACP:** 79 countries in Africa, Caribbean and Pacific regions.  
**MEDA (excl EU & Turkey):** Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Mauritania, Montenegro, Morocco, Occupied Palestinian Territory, Syrian Arab Republic, Tunisia.

The ACP Group of States as a whole was 185,848 Million Euros, being 5.3% of EU's total trade. These trade values and volumes are quite small when compared with other regions that traded with the EU. For example, in the same year, EU trade with Brazil, Russia, India and China (the BRIC countries) was 922,711 million euros (26.5%), whereas trade with NAFTA was 606,746 million euros (17.4%). Again, as can be seen, even though consisting of 79 countries, the ACP Group's share of EU trade was only equivalent to the trade value and volume of the 11 member-ASEAN partners which had 181,360 million euros (being 5.2% of EU's trade). These trade Figures between the EU and the ACP Group have remained much the same for the many years leading to and during the EPA negotiations (see European Commission 2008c, 2009c).

The above relatively insignificant ACP trade with the EU is equally seen in Table 3 below, which gives a 10-year impression of EU-ACP trade in goods. It can be seen that whereas the EU accounts for almost 25% of the ACP Group's global trade in goods, the Group's share of EU trade, on the other hand, is just about 5%. To the extent that even with that insignificant 5%, the EU is still the most important trading partner of the ACP Group, reveals how little the Group obtains from international trade.

What's more, this picture of the ACP Group's trade dependency on the EU is consistent with the trading relationships that exist between the two ACP case regions that are compared in this thesis. For an overview of CARIFORUM-EU trade relations (see European Commission 2013d; European Commission 2014e, f, 2015e, f) and for overview of the trade dependence of West African on EU, see the data by the European Commission (2009b:2; 2011d). Additional discussions of EU trading relations with the Caribbean Forum and West Africa are presented in Chapters 5 and 6 respectively below. Closely linked with the ACP Group's dependence on EU for trade is the Group's additional dependence on the EU for development aid. The literature discourse on that dependence is highlighted below.

**Table 3: The European Union, Trade in Goods with ACP (African, Caribbean and Pacific Countries) – 2003-2013**

Period	Imports			Exports			Balance	Total trade
	Value (Mio €)	Growth* ( % )	Share in Extra-EU (%)	Value (Mio €)	Growth* ( % )	Share in Extra-EU (%)	Value (Mio €)	Value (Mio €)
<b>2003</b>	45,589	4.9		42,462	4.9		-3,127	88,051
<b>2004</b>	46,061	1.0	4.5	44,160	4.0	4.7	-1,901	90,220
<b>2005</b>	55,138	19.7	4.7	50,278	13.9	4.8	-4,860	105,416
<b>2006</b>	61,830	12.1	4.5	56,033	11.5	4.9	-5,798	117,863
<b>2007</b>	64,957	5.1	4.5	62,148	10.9	5.0	-2,809	127,106
<b>2008</b>	78,772	21.3	5.0	68,636	10.4	5.2	-10,136	147,408
<b>2009</b>	57,983	-26.4	4.7	57,774	-15.8	5.3	-209	115,757
<b>2010</b>	67,331	16.1	4.4	69,575	20.4	5.1	2,244	136,906
<b>2011</b>	90,724	34.7	5.3	82,192	18.1	5.3	-8,532	172,917
<b>2012</b>	99,412	9.6	5.5	85,586	4.1	5.1	-13,826	184,997
<b>2013</b>	92,034	-7.4	5.5	86,656	1.3	5.0	-5,379	178,690

*Source:* European Commission (2014d:4), Source Eurostat Comext - Statistical regime 4

### **ACP Group's Development Aid Dependence on the EU**

Related to the aforementioned trade dependency of the ACP regions on the EU, there is another such dependency that has attracted attention in the literature: that of development aid. In practice, all the ACP countries depend on generous development aid given by the European Union and its Member States to finance significant parts of their annual national budgets. For that reason, the topic of development aid is paramount in the literature on the relationship between the two parties: “the EU’s relationship with the ACP states has historically been more explicitly developmental in focus” (Hurt 2010:164). Unsurprisingly, therefore, the provision, management, and implementation, as well as the evaluation of development aid policies by the EU in relation with the ACP region, are prominently discussed in the literature (see Carbone 2008b; Hurt 2003, 2004, 2010; Moss and Ravenhill 1982, 1987; Ravenhill 2002). These studies trace and debate the evolution and development of the socio-political and economic relations between the two regions from a historical perspective.

In recent times, the debate on the nature and development of EU aid policy in a changing world has become central in the literature. With countries in the ACP regions receiving the major share of EU aid, several studies have analysed that topic – mainly interrogating the effectiveness of aid and development cooperation that has been pursued for many years by both EU and the ACP countries (see Carbone 2008a; Van Reisen 2007). The realisation that development aid has failed to bring about the necessary development of the ACP countries, after decades of aid dependency, has led to some suggestions from the EU for reform of the instruments of development aid. For instance, there is call to bring in private sector development (PSD) as an instrument to ensure poverty reduction in the ACP region (Langan 2011), and to address the need for the “untying” of aid (Carbone 2014). From the perspective of international political economy, some of these scholars have argued that the EU uses the instrument of development cooperation as a “double-veil” to seek more lucrative commercial interest in the regions (Carbone 2014; Mahler 1994). Although the interrogation of the effectiveness of the EU’s development cooperation is beyond the aim of this thesis, it is important to note that economic and trade policies between the EU and the ACP countries have intricately been intertwined with development cooperation. This is more so because historically trade has been used as a

development instrument in the ACP region, alas with mixed results; leading to the subject matter of this study – the EPA trade regime.

Based on the practical trade and development aid dependency relations existing between the EU and the ACP Group described above, many types of research have been conducted on the formulation and implementation of trade policy and preferences offered to ACP countries by the EU, with the aim of improving their trade and how effective those preferences have been. That academic discourse is highlighted below.

### **Evaluation of EU Trade Preferences for ACP Group**

It is the view of many scholars that EU trade preferences offered to ACP countries have actually improved market access for those countries (see Candau and Jean 2006; Francesco and Federica 2009; Francesco et al. 2010; Manchin 2004, 2006; Persson 2007; Persson and Wilhelmsson 2006; Ravenhill 2002). However, there is a counter-argument. Some have argued that despite the offer of trade preferences, there are still enormous trade barriers that inhibit market access for the tropical products from the ACP countries and regions into the EU (see Bureau et al. 2007). These unilateral offers of EU market access to ACP countries are thus seen to have had mixed results. In most cases ACP countries could not take advantage of those offers due to what is popularly termed as “supply-side constraints” – referring to the many technical, capacity and policy challenges that prevent poor ACP countries and their exporters from being able to take advantage of the possibility to export “everything but arms” into the EU (see Mahadevan and Asafu-Adjaye 2010).

An interesting question raised by this lack of ability of ACP countries to maximise the benefits of the EU’s unilateral offers of market access is that: if even under non-reciprocal preferential terms, those countries could not take advantage of “generous” market access, how could that be changed under the proposed EPAs that are to usher in “reciprocal” market access offers – also for EU exporters? That question has engaged the attention of Mathew McQueen who questions whether the proposed EPA/FTAs between the EU and the ACP Group (developing countries) are wishful thinking and illusion (McQueen 1998a, 2002; McQueen 1998b). Despite the fact that the erosion and replacement of the unilateral trade preference offer to ACP countries by the EU has necessitated the negotiation of the on-going EPAs/FTAs, ,

this study does not focus on the debate on the merits and effectiveness of trade policy and preference instruments: instead, it seeks to understand why the negotiation of EPAs that seek to reform the unilateral trade preference to a binding and mutually reciprocal market access regime have resulted in different outcomes. Next in this literature survey are the discussions that abound on the impact of the WTO regime on EU-ACP trade relations.

### **EU-ACP Trade in relation to the WTO Regime**

The rules of the WTO and their impact on the relations between two special partners – the EU and ACP – have been the subject of many studies. As mentioned in the introductory chapter, the need for this EU-ACP trade relation to be compatible with WTO rules gave rise to the EPA negotiation in the first place, as agreed upon in the Cotonou Partnership Agreement between the two regions. It is thus necessary to highlight some of that literature in this section. In the first place, the dynamics of EU trade policy and its preferences in relations with the ACP countries, in the context of WTO rules and in the context of the multilateral setting, have been the subject of study by Abou (2004); Gillson and Grimm (2004). These scholars argue that EU and ACP trade relations are shaped by the WTO trade regime in fundamental ways. As the ideological foundation of the WTO is the promotion of trade liberalisation, as against protectionism in global trade, and to remove discrimination among trade partners, in some fundamental ways the EU-ACP preferential trade regime as had been developed over the years through the Yaoundé, Lomé and Cotonou Conventions were incompatible with the non-discriminatory rules of the WTO.

Following from the above, there are and have been material and policy implications of the WTO regime for the special preferential trade relations between the EU and its long-time dependent developing countries in the ACP region. Although the EU – itself a player in the creation of the WTO – is committed to the promotion of trade liberalisation as a development and economic growth philosophy, its ACP counterpart has had some difficulties with the WTO regime and its neoliberal agenda. There is no consensus among scholars and policy-makers on the perceived benefits of trade liberalisation. For instance, it is argued that the removal of preference from EU-Caribbean banana trade based on WTO rule has had a negative impact on the region's wellbeing and development (see Fridell 2010; Fridell

2011). This means equal trade liberalisation among partners that are not equal in economic and development terms is not in the interest of the weaker countries as their economic development and growth could be jeopardised.

Despite the frosty relationship from the WTO regime, a legal analysis of the trade regime between the EU and ACP on how WTO laws are being harmonised after the Cotonou agreement in 2000 proved to be positive (Abou 2004). That said, it must be pointed out that in some cases the WTO law itself is vague and leaves room for different interpretations. An example of that is what certain “WTO compatibility rules” mean. For instance, in the course of the EPA negotiations, one key debate between the parties has been around the meaning of “substantially all trade” – a GATT article 24 clause on the formation of Free Trade Area (FTA). What this implies is that in some cases, the preferences of the parties involved will determine how a given rule is interpreted. While it is deemed necessary to highlight the above discussion in the context of this current research, it is neither directly the aim to debate the effect of the WTO regime on the EU-ACP relationship, nor is it the aim to undertake a legal analysis of WTO rules in the context of that relation. Lastly in this section, another relevant academic discourse on EU-ACP relations that is of interest in this study is the kind of future cooperation that could be built between the two long-term partners. That is discussed next.

### **The Future of EU-ACP Relations**

Finally on the EU-ACP relationship, one other important discourse in the literature is a forward-looking conversation regarding the future of the EU-ACP relationship, taking into consideration changes in the international system. Scholarly discussion on the future of EU-ACP cooperation has been topical in the history of the two regions, mostly at its peaks during the periods preceding negotiations of new agreements or conventions. For instance, (Posthumus 1998) discussed the options of cooperation beyond Lomé IV which ended in the year 2000. Later on, similar futuristic studies have been carried out (Carbone 2013; Goodison 2007; Nilsson 2002; Wolf 1999). A more recent example of forward-looking literature on EU and ACP countries have emanated from the background of the changing dynamics in the global community – the perceived shifting global power and wealth from north to south. In response to that perception, within the EU there have been calls for reform



to ensure development aid is effectively designed and given to those countries that really need it (European Commission 2011b). Scholars are thus discussing how the EU is generally reacting to the global shifting and how it is changing or improving and re-strategizing in its relationship with ACP countries (Allen and Smith 2011).

One key concern from the academic and political discourses looking into the future of EU and ACP Group of States is an assessment of whether or not the EU is losing geopolitical influence in the ACP region and how the Union could maintain its long-held influence (see Carbone 2013; ECDPM 2014; European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2015; Lein et al. 2013). That forward-looking discourse is of importance to this research project. Although not specifically examined, it is considered imperative to situate this current study in an awareness of the global geopolitical context of how both the EU and ACP countries directly or indirectly influence their negotiation behaviours and strategies in the protracted EPA negotiations.

The foregoing two sections have highlighted relevant academic literature on the EU's significant role as a global trade actor, and given an overview of the actual trading between the EU and the ACP Group, as well as discussed relevant literature on an ever evolving EU-ACP relationship. In the next section of this Chapter, attention is given to the academic discourse specifically on EPA negotiations since their inception.

### **2.3. A Dawn of a New Era in EU Trade Policy with ACP: Negotiating EPAs**

Apart from the above scholarly literature that discusses the global role and policies of the EU, and those that have studied EU-ACP relations, a number of academics have also reflected and analysed the new trade policy of the EU in relation with the ACP Group of States – the proposed EPA policy and negotiations. The EPAs, known to both EU and ACP policymakers, would mark a new and changing era of trade and, by extension, a new era in the entire relationship between the EU and the ACP Group whether they are concluded or not: "...we knew that the EPA would usher in a completely new era of economic and trade relations with Europe" (Sinckler 2008). As pointed out in the introductory Chapter, when the Cotonou Partnership Agreement entered into force in 2000, the EU and ACP parties agreed to

fundamentally alter their trading relations from a unilateral preferentially-based one to one underpinned by a “reciprocal” and “WTO-compatible” regime. Due to that departure from a decades-old trade regime to a new one, that the EPA attracted numerous studies and commentaries from diverse perspectives was certainly to be expected. This section thus discusses relevant impact assessments of the proposed EPA conducted at ACP geographical levels, as well as EPA studies conducted along relevant academic and policy themes, with the aim of underlining the research gap that this study seeks to fill.

### **EPA Impact Studies**

A survey of the literature shows many studies assessing the economic and welfare impact of the proposed EPA on the all-ACP Group, on individual ACP regions and on individual ACP member states. Generally, these studies find the impact of the EPA on all ACP stakeholders to be mixed; using economic models such as Partial Equilibrium Model (see Fontagné et al. 2008a; Fontagné et al. 2008b; Fontagné et al. 2009; Hoestenbergh and Roelfsema 2006; Morrissey et al. 2007). At the level of the all-ACP Group, these comprehensive comparative studies deliberate the key concerns of ACP partners against the EPA: revenue lost for the governments; the risk of high competition in certain sectors from European companies; and the expected negative impact that the trade liberalisation agenda of the EPA would have on the welfare policies of the ACP Group; among other focuses.

### **EPA Adjustment Costs to ACP Group**

To begin with, the literature on EPA impact assessment is awash with discussions on expected EPA adjustment costs. Highlighting that in this section is important because addressing the expected costs that are to be borne by the ACP Group and regions in their effort to undertake the necessary policy and technical reforms in readiness for the implementation of EPA has been one of the key reasons why the EPA negotiations have been very controversial. This discussion is thus to put the analysis of the negotiation behaviours and preferences in Chapter 7 into proper perspective.

Due to their proposed inherent *reciprocal* character and the need to remove import/export taxes, the EPAs are expected to create a need for the ACP

governments to make several policies and economic adjustments that come at a high cost in varying degrees (see Zouhon-Bi and Nielsen 2007). As a result, several “welfare impact assessments of EPA” on the ACP Group, respective regions and countries were conducted. An initial total estimated adjustment cost for all ACP countries according to Milner (2005) at the 2005 equivalent price level was €9.1 billion (see *ibid*:37). Other welfare impact assessments of the proposed EPA on various ACP regions and countries were also conducted (see Greenaway and Milner 2006; Hamouda et al. 2006; Hosein 2008; Karingi et al. 2005a, b; Karingi et al. 2005c; Laborde 2010; Milner 2005, 2006; Milner et al. 2009; Morrissey and Zgovu 2007).

On the Caribbean Forum for instance, in 2008 a study found that the estimated total EPA adjustment cost would be about 873 million euros (ECLAC 2008c:12). A similar assessment on the West Africa region was pegged at the cost of about 880 million euros (with a latest EPA Development Programme for the region expected to cost between €9.54bn and €15bn Euros) (see Dalleau and van Seters 2011a:3; ECDPM 2010d). For West Africa, a related assessment found that in terms of loss of tax revenues, the region would lose over US\$ 980 billion if EPA was signed and implemented (Karingi et al. 2005b:73). By implication, the countries in the region were to devise new ways of revenue generation to make up for the loss in order to fund their existing governmental programmes and policies in addition to finding funds to address new EPA related adjustment costs.

To give an idea of the expected EPA adjustment costs, Milner (2005) divides such costs into five categories. Namely: fiscal adjustment costs; trade facilitation and export diversification costs; production and employment adjustment costs; skills development and productivity enhancement costs; and negotiation and legislative costs (Milner 2005:7-8).<sup>12</sup>

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<sup>12</sup> As the name suggests, *fiscal adjustment costs* cover all the expenses that the ACP countries are expected to incur through the revision or reform of their tax systems because of the removal of import duties and loss of revenue due to EPA. Adjustment costs related to *trade facilitation and export diversification* include the expenses that the ACP countries and regions would have to incur under EPA due to their move away from import-dependent economies to become export-driven economies. This will involve financial cost in the development of the export sector (e.g. development and production of export product, exploring export markets abroad etc.). On *production and employment adjustment costs*, it is expected that workers and companies who are in import businesses before the EPA regime will be displaced due to a shift from import driven economies to export driven ones. At

## **Regional Impact Studies**

Apart from studies on welfare impact and EPA-related adjustment costs, some studies broadly considered the economic and social impact of the EPA on specific regions such as on the whole African continent (Hammouda et al. 2007; Perez and Karingi 2007; Raatz 2008). The general findings of these studies on Africa are that the EPAs as proposed with a reciprocal market opening would have detrimental economic and social impacts on the continent, and consequently argues that a deepening of intra-Africa trade is a better option for the continent to consider as a first step before embarking on FTA with the EU. Similar regional level studies include: impact of EPA on the Pacific region (Dearden 2005), studies on Caribbean region (Gammage 2010; Sauvé and Ward 2009), EPA implications for ECOWAS (Busse and Großmann 2004; Busse et al. 2004; Zouhon-Bi and Nielsen 2007) and impact studies on Eastern and Southern African Countries (Borrman et al. 2007; Hurt 2010; Keck and Piermartini 2005; Meyn 2005). The findings of these studies are somewhat in unison – painting mixed benefits of the regional EPA should they be adopted in their original forms as proposed by the European Union (as already outlined in the introduction above).

## **Country Impact Studies**

Furthermore, several studies conducted impact assessments at the level of individual ACP countries. See for instance a study on EPAs Welfare impact on Trinidad and Tobago (Hosein 2008), development implication of EPA on Ghana (Patel 2007), social and economic impact of EPA on Cote d'Ivoire (Kone 2008), EPA impact on Zambia (Roningen and DeRosa 2003) and EPA impact on Kenya (Olausson 2009) just to name a few. Generally, the findings of these studies are

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the same time, some people in certain production sectors will face competition from EU exports and might be displaced. This will generate unemployment and the ACP states will incur cost in payment of compensation, relocation and retraining for such people as well as support for firms who might close or have to restructure their production line due to the EPA. Skills development and productivity enhancement costs are the costs ACP countries will bear in their effort to adjust their economies, through the improvement skills of workers, improvement of management structures of firms and the construction of infrastructures. Negotiation and legislative costs – these are costs in the form of legislative reforms, administrative changes, public sector trainings, public education and consultations, etc. that the ACP countries will incur through the negotiations of and the subsequent implementation of EPAs. For further details see Milner et al. 2009 and Milner 2005.

similar – that the ACP regions and countries will have welfare challenges with the implementation of reciprocal EPAs in their initially proposed form and that these ACP countries would have to deal with revenue loss and institutional capacity problems.<sup>13</sup>

On account of the EPA welfare impact assessments as highlighted above – matching the promises of the new trade regime by way of its “expected” long-term improvement in ACP trade in the world vis-à-vis the immediate- to medium-term loss of revenue, and a high EPA-related adjustment cost to be borne – it is reasonable to expect that there would be a negative cloud over the EPA policy and by extension the concept of international trade liberalisation and the benefits that they hold for the ACP Group and its regions. What seems obvious in the EPA policy discourse among EU and ACP policy-makers and scholars is a consensus on the aim of EPA regime – “integrating ACP economies into the world economy” – as agreed in the Cotonou Partnership Agreement. There is, however, a lack of consensus on *how* to achieve that aim. In the next section, EPA-related studies with specific thematic focusses are highlighted.

### **Thematic Studies on Proposed EPAs**

In addition to the above discussed geographical impact studies on EPA, there are many studies that have interrogated the EPA policy along certain themes such as studies evaluating EPA and agricultural sectors of the ACP countries, regionally and nationally (Bertow 2009; Bertow and Schultheis 2007; Koroma and Ford 2006; Matthews 2008); EPA and trade-related Intellectual Property Rights (Robinson and Gibson 2011); EPA and provisions on fisheries in relations to Sanitary and Phytosanitary requirements (Doherty 2010; Prévost 2009); impact of EPA on food security in the ACP region (Matthews 2010; Pannhausen 2006; Seimet 2006; Weinhardt 2006); EPA and Rules of Origin (Gibbon 2008); an evaluation of the aspect of services and investment of the EPA (Sauvé and Ward 2009); EPA and market access for African fish exports into the EU (Ponte et al. 2007; Tsamenyi and

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<sup>13</sup> As discussed in Chapter 1, the proposed EPA are to be reciprocal Free Trade Area agreements, that have provisions such as Market Access, Trade in Services, Intellectual Property Rights, Most Favoured Nation clauses, Non-Execution clauses, Public Procurement and other binding non-WTO trade related rules.

McIlgorm 2010; Vallée and Guillotreau 2010) and many others themes that could not be exhaustively discussed in this study. Three major themes considered highly relevant for keeping this study in perspective are discussed below. Namely: EPA and the promotion of regional integration; thematic studies on finding an alternative to the proposed EPA; and the studies focusing on the “development dimension” of the EPA.

### **EPAs negotiation and promotion of regional integration**

To begin with, there is a great deal of debate in the EPAs negotiation literature regarding its role in the promotion or otherwise of regional integration in the ACP regions – one of the main aims of the EPA policy, according to the Cotonou Agreement. Such analyses (see Borrmann et al. 2007; Melber 2005a, b; Meyn 2004; Milner et al. 2009) fairly consistently find that the divisive nature of the EPA negotiation processes and the unilateral timeframes imposed by the EU constitute a stab in the back to regional integration efforts undertaken by the ACP regions involved in the negotiations. The regional integration efforts of some ACP regional groupings have been stampeded in the course of the EPA negotiation due to different national positions on EPA leading to some ACP countries signing bi-lateral EPA with the EU; whereas some countries have been regrouped with other EPA negotiation configurations by the EU – contrary to existing regional arrangements. It is, however, anticipated that when the acrimonious negotiations are over and regional level EPA are indeed signed to create FTAs between the ACP regions and the EU, the same would boost intra-ACP economic integration as well.

### **Finding Alternatives to EPAs**

Finding “alternative” trading schemes available to both the EU and the ACP regions, other than the proposed EPA, is the subject of some other thematic studies. The discourse on whether or not there could be an alternative in the place of EPA has been fuelled by the EU’s official documents and public statements asserting no alternative (s) to the proposed EPA.<sup>14</sup> Contrary to that contention, Bouet et al. (2007) and others have argued that the current EPA proposed by the EU is not the only

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<sup>14</sup> See for instance a statement by Trade Commissioner Mandelson on EPAs at [http://www.acp-eu-trade.org/library/files/TNI\\_EN\\_6-5.pdf](http://www.acp-eu-trade.org/library/files/TNI_EN_6-5.pdf), accessed on 2 February 2012.

response the Union could have taken to address the issue of WTO-compatibility that the EPA seeks to achieve. They argue that extending the same unilateral preferences given to the ACP countries to the non-ACP WTO countries of a similar development status was an option to overcome the WTO discrimination allegation that EPA seek to address. Other scholars such as Bilal and Rampa (2006b); Perez (2006) and Stevens (2005a) equally argue that improving multilateral trade was a legal and feasible alternative that could have been considered by the EU in the meantime. Other EPA thematic studies of interest regard how the accord could be more “friendly” to the developmental aspirations of the ACP groups. The key arguments of those studies are underlined in the next section.

### **Development-friendly EPA**

A different theme running through the EPA specific literature is a discussion on how “development friendly” the proposed EPAs would be for the ACP countries. This is rightly so because one of the main aims agreed to by both EU and ACP partners in the 2000 Cotonou Agreement is that the EPAs would promote development in the ACP region. It seems however that the specific ways of making the EPAs “development friendly” have sparked debate among European and ACP policy makers as well as among scholars. Hence, to inform policy and academic discourse, detailed analyses on what has become known as the “development dimension” of the EPAs have been undertaken by many scholars and interested parties such as (Flint 2008, 2009; Hoestenbergh and Roelfsema 2006; Ochieng 2007; Patel 2007; Stevens 2005b; Stocchetti 2007). Their main arguments point out the need to first of all address the *asymmetrical* developmental statuses between the EU and ACP countries before going ahead with full *reciprocal* EPAs.

Alternatively, it has been argued that EPAs should include flexibility and differentiation as a central element and allow for ongoing adjustments to bring about development in the ACP region (see Byron and Lewis 2007a, b). Generally the findings from the development perspective studies are mixed, and depict different interpretations of the “development dimension” of EPA by the ACP side compared to the EU. On the one hand, the EU side believes the current proposals in the EPA are sure way to integrating the ACP countries into the global economy for their

onward long-term development. However, the ACP partners see the current proposal of EPA as a policy that could further impoverish them.

### **Conclusion**

In conclusion, the aim of this Chapter has been to discuss the existing literature that puts the EU relationship with ACP countries and the negotiation of EPAs in a holistic perspective and thereby highlight existing gaps in the literature. In the first place, the wide-ranging lists of literature amply demonstrate the extent of interest that the EPA negotiation subject has generated among policy-makers and scholars in both EU and ACP regions.

The Chapter began by demonstrating the huge academic interest in the EU's presence and activities in the international system. It then displayed how EU-ACP relations have been in practice, and how they have been analysed from different conceptual perspectives. The Chapter subsequently gave an account of the numerous relevant discourses that have taken place since the inception of the EPA negotiations from diverse viewpoints. Among many identified gaps that merit further academic enquiry, one conspicuous gap found is that there has been no study that takes a comparative approach to consider the actual EPA negotiating processes, to account for differences in EPA negotiation outcomes. It is that academic gap that this study seeks to fill with the application of a negotiation analytical conceptual approach. The next Chapter (3), therefore, elaborates on the Negotiation Analytic Approach as the conceptual framework that is applied in this dissertation to address the identified research problem.



### **Part III: Theoretical and Conceptual Framework**

### Chapter 3: Conceptualising EU-ACP International Trade Negotiations

By way of recapturing the research problem and the rationale for the choice of Negotiation Analysis as the conceptual and analytical framework applied in this study, it is hereby emphasised that the European Union and the Members of the ACP Group of States have been engaged in over five decades of negotiated relationship. Since 2002, the parties have been negotiating Economic Partnership Agreements intended to replace previous unilateral preferential trade relations that have characterised their trading relations for many years. So far, as indicated in the introductory chapter, EU's EPA negotiations with the ACP Regional Economic Communities (RECs) have resulted in differing outcomes; whilst the EU's negotiations with the Caribbean Forum concluded as originally scheduled in 2007, the negotiations with West Africa and other African RECs as well as negotiations with the Pacific region, have not yet concluded (see European Commission 2016 for latest overview of the EPA negotiations).

On the basis of the above-described research problem, this thesis addresses the question:

*Under what conditions are Economic Partnership Agreements between EU and the ACP Regional Economic Communities concluded? And by extension seeks explanations for why the CARIFORUM-EU EPA negotiations have concluded, whereas the West Africa-EU EPA negotiations have not concluded.*

In trying to answer the research question, this study has had to look beyond “conventional” theories and conceptions used in studying the role of EU on the world stage such as Normative Power Europe (see Manners 2001); Civil Power Europe (see Whitman 1998, 2002), Market Power Europe (see Damro 2010, 2012b, 2015) and Principal and Agency approach (see Pollack 1997, 2003b) to name just a few. The reason for looking beyond those approaches is due to the nature of the EPA negotiations – being long drawn-out negotiations with “unfavourable” results in the eyes of the EU. Those results are not consistent with the propositions of those traditional theories. On the contrary, an initial consideration of the EPA negotiation processes and outcomes pointed to the important roles being played by perceived *alternatives* to the EPA as well as the negotiation *strategies* being pursued by the

negotiators and the important issue of linkage development aid to the EPA negotiations. On the basis of the expected role of such variables in explaining EPA negotiation outcomes, this study adopts the Negotiation Analytical Approach (NAA) as an optimal conceptual and explanatory framework for the study.

The NAA thus is deemed to encompass theoretical and conceptual elements that could account for various factors leading to different outcomes of EPA negotiation between the EU and the ACP RECs. It also offers the necessary ability to modify specific units of analysis and context of the subject of interest in this study. In this chapter, therefore, the NAA is further explained and developed as the conceptual and explanatory framework applied to understanding and answering the research question of this study. The chapter proceeds to identify and develop the elements of the conceptual and analytical framework along specifically proposed hypotheses that are then tested in the study. Prior to the conclusion, the chapter also discusses the analytical models that are applied in the study.

### **3.1. Negotiation Analysis adapted as a Conceptual Framework**

Negotiation Analysis (sometimes referred to as the Negotiation Analytic Approach or Negotiation Theory) (see Sebenius 1992) has several elements as a theoretical and conceptual approach used in the study of international bilateral, multilateral and complex negotiations as propounded and developed by several scholars such as Fisher and Ury (1981); Raiffa (1982, 1985); Sebenius (1984); Sebenius (1992); Lax (1985); Lax and Sebenius (1986); Fisher and Patton (1991); Lax and Sebenius (1991); Sebenius (2009b).<sup>15</sup>

As an analytical and explanatory approach, NAA evaluates the “environment” and the “set up” for negotiations – where the actors of a given negotiations are identified and studied, their real and perceived interests evaluated, and their alternative option(s) as well as the processes of the negotiations leading to possible outcomes evaluated (Sebenius 1992:34). In an attempt to explain negotiation outcomes holistically, the analysts are expected to carry out the outlined negotiation

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<sup>15</sup> For a more detailed account of the evolution of the Negotiation Analytical Approach see Sebenius 1992 and Thompson and Leonardelli 2004.

analytical framework in a continuum (see Sebenius 1992:26-31). The NAA as a conceptual framework for negotiation studies has developed and evolved into a “heuristic” approach that extends to conceptions such as; coordination, communication, argumentation, problem-solving, constructivism; leadership, culture, behavioural, rationality and cognitive skills in negotiations.<sup>16</sup>

Moreover, in line with the usage of NAA in this study as a conceptual and analytical approach, several scholars of EU studies have been exploring the approach for EU negotiation studies in recent times (see Clark et al. 2000; Dür and Zimmermann 2007; Dur and Mateo 2010; Dür and Mateo 2009, 2010; Dür et al. 2010; Meunier 2000, 2005b, 2007; Odell 2010; Tallberg 2006; Tallberg 2007). The large surge in usage of the approach in IR studies in general and specifically in EU internal and international negotiation studies give more credence to its critical and scholarly usefulness. That occurrence helps to support the appropriateness of using the NAA in this dissertation as well.

As seen from the various aspects of negotiation analysis, there are indeed numerous variables that are deemed to have direct or indirect impact on any negotiation leading to a specific outcome as alluded to by Crump (2011): “ the outcome of a single negotiation can have multiple explanations depending on the variables selected for analysis” (Crump 2011:197). It is partly that possibility of studying negotiations from the diverse perspectives that makes NAA the conceptual framework of choice for this current study. The aim of this section is to point out the variables deduced from NAA as explanatory variables, and the reasons adduced for the choices made.

First of all, as can be seen from the introduction above, the NAA is a process-oriented approach. That means the variables deduced from it are somehow intertwined – making it methodologically challenging to distinguish the impact of one variable from the other. However, a conscious effort is made to clearly trace the impact and influence of a given variable based on a review of qualitative data and also on the basis of elite interviews conducted.

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<sup>16</sup>For a detailed description of the various components of negotiation analysis, see Alfredson and Cungu 2008; and Sebenius 2009b:457-462.

On the basis of the research question posed in this study regarding the conditions that contribute to the conclusion or otherwise of a bi-regional trade negotiations or EPA negotiations between EU and ACP Regions, and guided by the empirical evidence of the negotiations, it is argued here that three variables deduced from the NAA approach – the BATNA, negotiation strategy/tactics, and joint issue linkage – proffer the most comprehensive and compelling explanation for the variable outcomes of the EPA negotiations. These three variables are further explained and justified below, starting with BATNA.

### **Best Alternative to the Negotiated Agreement**

The first element of the Negotiation Analysis Approach adopted for use in this thesis is the concept of the “Best Alternative to the Negotiated Agreement” (BATNA). On the basis of its assumption, the first hypothesis tested in this study would be:

*H1. The EPA conclusion (outcome) between the EU and ACP Regional Economic Communities (RECs) is a function of BATNA. The Bi-regional EPA negotiations between the EU and ACP RECs conclude when at least one party has no BATNA and vice versa. That is to say, negotiations are not likely to conclude when one of the parties has a better alternative to the proposed EPA agreement.*

### ***What then is BATNA?***

The BATNA element of NAA suggests that negotiating parties demonstrate high interest and commitment to conclude a current deal when the *alternative* to “no agreement” makes them worse off. It is expected that as rational actors who want the “best” value among choices, negotiating parties realising that their alternative (BATNA) to a given proposed agreement would make them worse off, would shift focus from that bad choice to concentrate on getting the option on the negotiation table because it offers the optimal value (see Odell 2009; Odell 2010). That means the negotiating parties may start the negotiations with a certain position while also keeping an eye on the BATNA available to them and studying the responses of their opponents to their proposals. Until it is realised that there is no a BATNA or it is worse than what they could obtain from the current negotiation, the parties would not agree to the current proposal (see Narlikar and Odell 2006:116-117). Put differently, with BATNA, it is assumed that negotiating parties would always want to maximise

gains as rational actors; so when the value or benefits of the “no agreement alternative” – the BATNA – is higher than what is gained from the currently negotiated agreement, they are likely to reject the negotiated agreement in favour of their BATNA (Sebenius 1992:27).

On the basis of how important BATNA is in negotiation analysis, Wheeler (2002:3) claims, “Only by considering the perceived BATNAs of both the potential buyer and seller can one see if an agreement is really possible”; that is in the context of assessing the negotiations between a buyer and a seller on a given item. By implication, in the current EPA negotiation context, it is by considering the BATNAs of ACP regions and the EU that the outcome of the EPA negotiations could be understood and explained.

The reason why BATNA is thus chosen as one of three main independent variables in this study is that by its assumption, it wields a high explanatory power to explain the EPA negotiation outcome. Its assumption makes it an important variable to analyse in an effort to understand the EPA negotiations process and its variations in outcomes. It is by analysing BATNA that we are able to tell the specific role that possible alternatives to the proposed agreement play in the negotiation processes and outcomes.

A natural question that might be asked is how BATNA is operationalised and what methodology is used to obtain data on it. To answer those two questions; on operationalisation, BATNA is defined as the specific option that is available to the negotiating parties in the absence of EPA that is considered to make a given party better off than the proposed agreement. In the current study, therefore, that translates into finding out what trading regime would be utilised by the EU and ACP regions in the event of a “no EPA” that they consider to be preferable to the EPA. As postulated above, when BATNA is considered to satisfy the unilateral goal of a given negotiation party, unless the ongoing negotiated agreement offers the same or even better utility, the party is likely to walk away from the negotiation table. BATNA thus gives bargaining power to the parties. By implication, an alternative trading regime to the EPA that is considered as a source of bargaining power would be considered as a BATNA.

Regarding methodology on BATNA, in determining the BATNA of a party, James Sebenius and other scholars of negotiation suggest the application of a “decision analysis” to help dissecting negotiation positions and interests of the party; then evaluate the benefits to be accrued from all identified alternatives to the current agreement in order to be able to pick the best choice among them that “totally” satisfies the subjective interest of the given party (Sebenius 1992:27). In the calculation of BATNA, analysts also have to consider the possible costs, impacts, feasibility, and consequences of each option and weigh them against the interest of the negotiating party in order to arrive at an optimal choice. To get a whole picture, it is recommended same analysis is conducted to determine the BATNA of the opposing negotiating parties as well. It is also acknowledged under NAA that, sometimes, there may not be a BATNA available to a given negotiating party, and those BATNAs are also susceptible to change over time with new information, interpretations, competitive moves, or opportunities (ibid.). Furthermore, it is argued that, in negotiation analysis, it is BATNA that sets the “reservation price” of a proposed agreement, i.e. providing “a strict lower bound for the minimum worth required of any acceptable settlement” (Sebenius 1992:27). It thus plays a tactical role in the conclusion of the negotiation; as in, “the more favourably that negotiators portray their best alternative course of action...the smaller is the ostensible need for the negotiation and the higher the standard of value that any proposed accord must reach” (ibid.). These measurements are thus made to guide the analysis and the gathering of facts to prove the veracity of BATNA.

Consequently, in this study both secondary and primary data regarding what the negotiation parties consider as “alternative” to the EPA are gathered and analysed. Furthermore, additional information on the subject of alternative(s) to EPA was acquired from interviews with the policy makers and practitioners who were directly involved in the negotiations and decision making, to determine how what was perceived as a BATNA (if any) influenced their EPA negotiation positions.

As already mentioned, to facilitate the analysis and testing of how BATNA helps to explain the EPA negotiations processes and outcomes, this thesis hypothesised that bi-regional EPA negotiations between the EU and ACP Regional Economic Communities conclude when either of the parties has no better

alternative(s) and vice versa (Hypothesis I). That is to say, an EPA negotiation is likely not to conclude when one party has a better alternative to the proposed EPA agreement. The veracity and reliability of this hypothesis in the EPA negotiations are verified in the analytical Chapter (7) below. The second independent variable and the hypothetical assumptions and justifications are presented next.

### **Bargaining Strategies and Tactics**

A second explanatory element of negotiation analysis adopted for use in this research is the variable of bargaining/ negotiation strategy/tactic used in the process of negotiation. In negotiation analysis, it is assumed that naturally when two or more actors negotiate, each has their own expectations of benefits to be obtained from the deal or aims to achieve. They thus adopt strategies and/or tactics towards the realisation of those goals in the course of the negotiations. On the basis of that assumption and in relation to the research question of this study, the second hypothesis proposed for testing is that,

*H2. The outcome of the Bi-regional EPA negotiation between the EU and the ACP RECs is a function of the negotiation strategy and tactics pursued by the parties. When the distributive (Win or Lose) strategy is adopted, there is no conclusion of the Bi-regional EPA and on the contrary, when the integrative (Win-Win) strategy is followed, there is a conclusion of the agreement.*

### ***What then is negotiation or bargaining strategy or tactic?***

By way of definition, the terms negotiations strategy and tactics are related and sometimes used interchangeably in the literature. Odell (2002:40) defines “strategy” as “a set of behaviours that are observable at least in principle, and associated with a *plan* to achieve some objective through bargaining” (emphasis added). Negotiation “tactics” on the other hand “are particular actions that make up a strategy” (ibid.). These definitions suggest that the negotiation strategies and tactics are both part and parcel of the process of negotiation where parties jointly “address demands and proposals to one other for the ostensible purposes of reaching an agreement and changing the behaviour of at least one actor” (ibid.).

Similarly, Alfredson and Cungu (2008) have defined *negotiation strategy* as “a careful plan or method for the achievement of an end”, while *negotiation tactics* are seen as “the skill of using available means to reach an end” – the particular end identified in the strategy (ibid:6). In addition, Dür and Mateo (2009:3) explain *tactics*



as the “the observable moves by participants to a negotiation”. What is commonly seen about the conception of *strategies and tactics* from the definitions above is that both are associated with the negotiation process and concern the “actions” undertaken by the parties in the pursuance of their negotiating goals vis-à-vis negotiating opponents.

Negotiation strategies and tactics are therefore aspects of Negotiation Analytic Approach that is widely discussed and applied in the literature. It is expected that in undertaking negotiation analysis, there would be the review of negotiation processes along the lines of the perceived or real negotiation strategies and tactics used by the parties (see Axelrod and Keohane 1985; Conceição-Heldt 2006; Dür and Mateo 2010; Dür and Mateo 2009, 2010; Feldmann 2001; Fisher and Patton 1991; Kim 2004; Niemann 2006; Olekalns and Druckman 2014; Olekalns and Smith 2000; Olekalns and Smith 2013; Ready and Tessema 2009; Robinson and Gibson 2011; Sae 2008; Smith et al. 2005). Several studies of and about EU negotiations have equally analysed the strategies and tactics employed to achieve the set goals as independent variables (see Crump 2011; Drieghe 2008; Dür and Mateo 2010; Lodge and Pfetsch 1998; Robinson and Gibson 2011).

Stressing the importance of, and how to study, negotiation strategies/tactics in negotiation analysis, Andreas Dür and Gemma Mateo (2009) argue that “a prerequisite for any study of negotiation strategies is a classification of tactics” (ibid:3). That is so even though the identification and classification of negotiating or bargaining tactics are not straightforward due to many varying descriptions of observable actions, and a mixture of strategies and tactics nomenclature. There are thus several existing classifications of both negotiation strategies and tactics, some of which overlap others. According to Dür and Mateo (2009:4) some of the prominent classifications propounded by negotiation scholars include: “value claiming versus value creating” (Lax and Sebenius 1986); distributive versus integrative bargaining strategies/tactics (Walton and McKersie 1965); bargaining versus problem-solving approach (Hopmann 1995); strategic action versus communicative action (Niemann 2004); problem solving, contending, yielding, and inaction (Pruitt 1983); and bargaining versus arguing (Risse 2000). Other categorisations of bargaining strategies includes collaborative, conflictual, reciprocal, self-interested, assertive, and

creative negotiating (Boyer et al.2009); and hard versus soft bargaining tactics (Hopmann 1974; Dür and Mateo 2010) (all cited in Dür and Mateo 2009:4). As can be seen from the above, these are largely overlapping terms and conceptions. Moreover, strategies and tactics are sometimes used interchangeably.

As pointed out in the hypothesis above, in this study the two broad strategies of *distributive* and *integrative* are adopted for analysis.<sup>17</sup> On the one hand a distributive strategy is operationalised when a negotiating partner undertakes “competitive” and “non-cooperative” behaviour which creates the perception of a “winner and loser” in the negotiated agreement; an integrative strategy, on the other hand, is seen as when a negotiating partner adopts an attitude of “cooperation” and joins its efforts with the opposing party to ensure that the agreement reached satisfies each party’s interest and preference; thereby creating a “win-win” situation (see Sebenius 1992:30). On the basis of assumptions and practices of undertaking a negotiation analysis, this study follows the assumption that a negotiation strategy could change over time in a given negotiation. The next issue is how negotiation strategies are determined methodologically.

### **Methods of Identifying Negotiation Strategies/Tactics**

For the purposes of determining the negotiation strategies and tactics in place, the researcher looks for evidence of consistently planned actions and/or positions during the negotiations and traces how these change over the course of the negotiation or otherwise, as well as identifies what is known as the “Zone Of Possible Agreement” (ZOPA). The ZOPA is explained as the circumstance of the current agreement where all the negotiation parties involved perceive the benefits of a possible negotiation outcome to be in line with their interests and preferences (see Sebenius 1992: 21-22). With the identification of what the parties perceive as their benefits from the agreement through qualitative research, under NAA, it is possible to determine whether the negotiation behaviour the parties put up – both broad

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<sup>17</sup> It is assumed that the description of negotiation strategies and tactics as distributive and integrative best and broadly captures the negotiation behaviours adopted by parties than most of the other categorisations.

strategies and the specific tactics – are *integrative* (cooperative) or *distributive* (competitive).

Further, as a measure to determine when integrative or distributive strategy is under deployment, this study adopts existing indicators identified in negotiation literature. For instance distributive negotiation strategy and tactics are associated with the use of force or the threat of force to wrestle concessions from an opponent; making unrealistic demands from opponents and using so-called “*Salami tactics*” where a negotiation party carelessly prolongs negotiation and grants incremental concessions, and only when it is unavoidable (see Alfredson and Cungu 2008:7, citing Saner 2000). The distributive strategy is also seen in this study as when the parties adopt a “take it or leave it” attitude, deceptive tricks, and “positional pressure” insisting on concession from only one party in the course of negotiation (Fisher and Ury 1981).

Alternatively, the integrative strategy is indicated with information sharing and trade-offs between parties as a means to create joint gains: “Parties can engage in reciprocal information sharing about preferences, priorities, and interests underlying positions” (Stöckli and Tanner 2014:99, citing Pruitt 1981). Doing that is important because “to realise integrative potential, negotiators need to know both their own and the other party’s priorities and interests” (ibid.). That knowledge is truly obtained when reciprocal information is shared. This study thus looks for evidence of “good cooperation” between the negotiating parties as a sign of their following integrative strategy in a joint effort towards finding mutually beneficial agreement.

By means of data gathering in order to determine the negotiation strategies and tactics, as well as what the EPA negotiation parties consider as constituting their benefits, this project relies on data obtained through a documentary review of official EPA negotiation reports (i.e. EU and ACP Council Joint Conclusions, Communiqués issued by ACP stakeholders on EPA negotiations, Declarations by ACP Council of Ministers, Resolutions of African Union and ECOWAS regional bodies, Decisions of Caribbean Forum leadership and Reports of major EPA negotiation stakeholders in EU and among the ACP Group of States). Additional information on strategies is also obtained from elite interviews conducted with the EPA negotiation stakeholders both in the EU and among the ACP regions concerned. Further information on what

the regions considered as benefits or disadvantages of the EPA is also gleaned from the massive media analysis and reporting, especially in relation to the ECOWAS and CARIFORUM regions.

In concluding this section, an existing hypothesis on the role of negotiation strategies/tactic in relations to the outcomes of the negotiation is tested in this thesis – generally, that chosen negotiation strategies have a direct impact on the process and outcome of a given negotiation. Specifically, it is proposed that, when the *distributive* strategy is followed, there is no conclusion of EPA negotiations owing to a lack of sincere cooperation between the parties, and on the contrary when the *integrative* strategy is used, there is a conclusion of the EPA negotiations (Hypothesis II). Through the analysis of primary negotiation documents and based on elite interviews, the impacts of these strategies on the processes and outcomes of the negotiations are determined in Chapter 7 below. The last of three independent variables deduced from NAA is joint issue linkage which is discussed below.

### **Issue linkage**

A third and final aspect of negotiation analysis adopted for use in this thesis is the variable of joint issue linkage. On the basis of its main assumption, a third hypothesis proposed for testing in this study is that:

*H3. The outcome of the Bi-regional EPAs depends on a joint application of issue linkage strategy – where the parties' trade-off positions on given issues of interest are exchanged for concessions from their opponents on other specific issues of interest. In other words, the more compensatory the issues linked are, the more likely it is for the parties to conclude the EPA negotiations and vice versa (Hypothesis III).*

### **What is the role of issue linkage in negotiation analysis?**

The concept has been defined and explained severally in the negotiation literature. In the view of Axelrod and Keohane (1985), “issue linkage involves attempts to gain additional bargaining leverage by making one's own behaviour on a given issue contingent on others' actions toward another issue”(ibid:239). That is to say, issue linkage is witnessed when one negotiating party brings another issue of interest into a given negotiation with the aim of getting “bargaining leverage” in relations with the opposing party. Similarly, on her part, Conceição-Heldt (2006 & 2008) explains issue linkage as a bargaining interaction in which actors decide to link

two (or more) negotiations to each other such that one actor gives up something of value on one issue if they receive (or in exchange for) concessions on another issue more important to the actor (Conceição-Heldt 2006:153; 2008:285).

Putting it differently, Crump (2007) describes issues linkage as “the way in which one negotiation influences or determines the processes or outcome of another negotiation” (ibid:118). That view implies that when analysing issue linkage in a given negotiation study, one should search for the ways and means in which two negotiations interrelate and interact and thereby influence both the *process* and the *outcome*. It is observable that one theme runs through all the explanations: a trade-off of issues among negotiating parties during a given negotiation for a joint settlement.

The “concept of issue linkage” has been widely discussed in the negotiation literature (see Conceição-Heldt 2008; Conconi and Perroni 2002; Damro 2012a; Haas 1980; Li 1993; McGinnis 1986; Weber and Wiesmeth 1991). Generally speaking, the usage of an issue linkage approach is believed to be commonplace in international relations as argued by Li (1993): “issue linkage is a widespread practice in international relations” (cited in Crump 2011:200) while Odell (2000) postulates that, “issue linkage is found in every negotiation except those that consider only a single issue” (ibid.). That view agrees with the findings of many international negotiation studies that have analysed issue linkage as a strategy in negotiations, including those concerning the EU (see Conceição-Heldt 2008; Conconi and Perroni 2002; Damro 2012a; Haas 1980; Li 1993; McGinnis 1986; McKibben 2009; Poast 2013; Weber and Wiesmeth 1991).

Additionally, the reason that issues linkage is considered ubiquitous in negotiation studies is that, as a bargaining tool in negotiation, it is known to play a crucial role in successful international negotiations. It has been widely discussed and proposed as one joint bargaining strategy that enables parties in complex international negotiations to move towards cooperative behaviour and hence the successful conclusion of a given negotiation (Axelrod and Keohane 1985; Poast 2013). Its joint application by negotiation parties thus increases the probability of reaching agreement in contentious negotiations. As such it occupies an important place in negotiation studies and likewise will be useful in the current study. How then is the concept applied in this study? That is explained below.

### **Applying issues linkage to understanding EPA negotiations outcomes**

Having argued for and explained the widespread use of issue linkage in negotiation studies as a key mechanism that facilitates the conclusion of complex negotiations at national and international levels, this study adopts the variable as an explanatory variable in the effort to solve the EPA negotiation outcome puzzle of interest in this study. Building upon the above definitions by Crump (2007); Conceição-Heldt (2006, 2008), and Axelrod and Keohane (1985), issue linkage in this study is defined as a jointly-adopted negotiation strategy by which negotiation parties trade off positions on one issue for gain on another they consider important.

The study thus assumes that issue linkage has a key potential in explaining negotiation processes and outcomes as widely discussed in the literature. It is expected that, when issue linkage is used as a “device for making trades among diverse issues within a single negotiation or between separate but linked negotiations involving the same parties” as argued by Crump (2007:120), a given negotiation obtains a high probability to conclude as a function of the timing of that linkage. That is because by successfully linking issues and trading off interest, both parties may achieve some satisfaction which could enable the negotiations to move on towards conclusion.

The operationalisation of issue linkage abounds in the literature on negotiation analysis. Taking a cue from some of those operationalisations in this dissertation, first of all, for there to be issue linkage, as the term suggests, two or more issues of negotiation should be linked by one or all the negotiations parties in the same negotiation as a bargaining tactic. It should increase the probability of agreement, and should motivate the parties to remain committed to the agreement: Poast (2013) and several others claim that “issue linkage—the simultaneous discussion of two or more issues for joint settlement—is a bargaining tactic used by states to achieve two objectives” – namely “issue linkage increases the probability of agreement” as argued by (Aggarwal, 1998; Axelrod and Keohane, 1985; Bernheim and Whinston, 1990; Eichengreen and Frieden, 1993; Hoekman, 1989; Lohmann, 1997; Mayer, 1992; Morrow, 1992; Putnam, 1988; Spagnolo, 2001; Stein, 1980; Tollison and Willett, 1979) (cited in Poast 2013:287); and “issue linkage motivates states to remain committed to an agreement” (Poast 2013:287, citing Koremenos et al. 2001

and Tomz 2007). In this study, therefore, evidence of issue linkage involving the simultaneous association of two or more issues in the EPA negotiations are reviewed.

Another way issue linkage is seen in this study is in line with the view of Arthur Stein (1980). He argues that “party interdependence is a basic requirement for linkage” (cited in Crump 2007:120). Thus, there should be an interdependent relation between the parties undertaking issues linkage. Even though, in the view of Ernst Haas (1980), negotiating issues are not necessarily linked due to the “interdependence” of the parties (*ibid.*), it is argued here that for an issue linkage strategy to help facilitate current negotiations, it is essential that the parties have some level of interdependence, as a backdrop to ensure the parties interest in the need for a joint solution.

Furthermore, for an issue linkage approach to be relevant in explaining a negotiation’s process and outcome, it is argued here that the parties involved in the negotiation should be seen as having differing views on the issues: “much scholarship on issue linkage in international relations indicates that issue linkage might be successful in a bargaining situation when the parties involved value the issues differently” (Conceição-Heldt 2008:286, citing several scholars). This means that for there to be a concessionary trade-off between the parties on two or more linked issues, the parties should necessarily view those issues differently. Information on difference in views on the linked issues in the EPA negotiations is obtained from the public reports of the negotiations as well as from the interviews of the negotiators both in the EU and in the ACP regions.

In an effort to explain the EPA negotiation processes and outcomes between EU and the ACP regions, issue linkage as a joint bargaining strategy undertaken by the parties that involves the trading-off or exchanges of negotiating position in exchange for a concession from each other is considered to have a high utility in facilitating the conclusion of the negotiation in a manner that will satisfy all the parties. That is why it is selected to be part of three possibly competing and/or complementary explanatory variables in this study.

How information on issue linkage in the EPA negotiations will be obtained and be verified might be a lingering question. The research conducted for this thesis took care of that as well. Primary and secondary sources of information provided clues of

when and how issues were linked during the EPA negotiations. Additional information was obtained on issue linkage during the elite interviews of EU and ACP professionals conducted over the course of the research period. Next is the statement of hypothesis on issue linkage.

This section concludes with the proposed hypothesis tested in the study. It is the role of an issue linkage mechanism in the negotiation process and outcome that is tested. As discussed above, the outcome of a given negotiation could largely depend on the effective usage of an issue linkage strategy. It is therefore postulated in this study that the outcome of the bi-regional EPA negotiations depended on the effective use of an issue linkage mechanism – where the parties’ trade positions on given issues of interest in exchange for concessions from their opponents on other specific issues of interest. It is argued that the linkage of issues in negotiation interactions creates an incentive and offers compensations for trade-offs of positions among parties, which leads to the conclusion of EPA negotiations. In other words, it is hypothesised that the more compensatory issues are linked, the more likely the EPA negotiations are to conclude; and when compensatory issues are not linked, then there are no conclusions to the EPA negotiations (Hypothesis III). In the next section (3.1), the analytical model of negotiation analysis adopted for the study is discussed.

### **3.2. Analytical Model Structures of Negotiation Analysis**

Relative to the research problem and question and the independent variables deemed appropriate in this study, a variable combination of “processual”, “integrative” and “structural” analytical models of NAA as proposed by Zartman (2010), are followed in this thesis.

In the view of William Zartman (2010), five categories of analytical structure in undertaking negotiation analysis could be found. Namely, “behavioural, processual, integrative, strategic, and structural” (Zartman 2010:232, citing Zartman 1976, Hopmann 1998; and Kremenjuk 2002). These are explained further below.

In the *behavioural analysis*, the focus is on the “negotiator”, whose skills, competencies and personal traits are believed to determine the outcome of negotiations. Based on personality traits, behavioural analysis characterise



negotiators into “avoiders, compromisers, accommodators, competitors, and problem-solvers” (Zartman 2010:232, citing Thomas-Kilmann,1976 ). This analytical approach of NAA is deemed to have a key challenge of conceptualising “personality traits” and how to differentiate personality influences from “situations and tactics” followed in the course of the negotiations (Zartman 2010:232);

Next is a *processual analysis* which claims that outcomes are determined by “how you get there” and thus focuses on the process of concession-making (Zartman 2010:232-233). This analytical model thus theorises about specific conditions under which negotiation outcomes are derived by “combining interpersonal and intrapersonal criteria” (ibid.); It is seen “as a learning process in which parties react to each other’s’ concession behaviour and “use their bids both to respond to the previous counteroffer and to influence the next one” (see Alfredson and Cungu 2008:15, citing Zartman, 1978).

On the other hand, the *integrative analysis* is seen as a particular type of processual analysis that focuses on “phasing” the negotiations. That means a principle of “doing the right thing at the right time” is followed. Three stages of negotiation phases are identified under this model: a diagnosis or pre-negotiation phase, formulation phase, and detailing phase. These phases are to follow each other without a reverse. The definition, contents and requirements at each phase are clearly demarcated (see Zartman 2010:233). This model of analysis is considered as helpful as it offers parties the opportunity to negotiate what would constitute the general principles of the negotiations ahead of the actual detailed negotiation. That possibility helps to clearly define the nature of the “conflict” and its possible solutions and terms of justice and fairness. In reality, following the step-by-step phases may not always be feasible due to unexpected events that may derail the linear process of negotiations.

The *Strategic* model of analysis deviates from the above models to only focus on analysing the negotiated outcomes or the “ends” of the negotiations. It thus assumes that the “people and process are irrelevant” in negotiation studies (Zartman 2010:233). This model draws mainly on game and decision theories where negotiating partners are seen as “rational decision makers” who are bent on

achieving “best” choice goals or “payoffs” from among given options at all costs (see Alfredson and Cungu 2008:10-11).

Finally, the *structural* model of negotiation analysis uses relative “power” as a unit of analysis in accounting for the outcome of negotiations. It is the opposite of *strategic* model analysis. It starts with a fundamental assumption that, “it’s the means that produce the outcome,” with “means” understood as “power.” (Zartman 2010:233). Contrary to “ends”, the structural analytical framework of NAA examines the characteristics of “means” such as “the number of parties and issues involved in the negotiation and the composition or relative power of the competing parties” (Alfredson and Cungu 2008:9). It assumes that negotiations take place between strong-weak, symmetric-asymmetric partners whose goals are normally incompatible and hence employs various means to “wrestle” concession from the other in a bid to achieve their set goals (ibid.). Negotiation outcome is thus seen as determined by structural elements of the parties. By ignoring other relevant factors in negotiations such as personal skills, the structural analytical model is sometimes seen as limited in explanatory power.

For the purpose of addressing the research problem and the independent variables deemed appropriate in this study, a combination of “processual”, “integrative” and “structural” analytical models of NAA as proposed above are followed in the analysis. It is thus argued that some aspects of the processual analysis are important to use because this study evaluates the “concessional behaviour” of the parties involved in the EPA negotiations. Using process tracing, the study, as a result, traces the “series of concessions” that punctuated the EPA negotiations in the regions of interest. Again, an integrative analytical model, as a special kind of processual analytical model, is also utilised because the EPA case study being examined have followed specific phases and sequences in the course of negotiations. Finally, an element of structural analysis is applied in the study because the characteristics of the parties involved in the negotiations (the power symmetry-asymmetry, the availability of alternatives, means, and strategies) of the parties are examined in a bid to explain the outcome of the EPA negotiations. It therefore goes without saying that this dissertation does not focus on the personal behaviour of negotiators such as negotiating skill and competencies nor does it approach the analysis from the

strategic game theoretic point of view, due to the attendant challenges in their application as mentioned above.

### **3.3. Conclusion**

By way of concluding the brief exposition and development of the theoretical and conceptual framework used in this thesis, Negotiation Analysis has been explored and presented as an appropriate analytical and explanatory framework in this Chapter. Without pretending to exhaust all the possibilities, the Chapter has mainly discussed the three aspects of the NAA that have been adopted for answering the research question of this study. It has espoused BATNA, negotiation strategies and tactics, and issue linkage as the most plausible explanatory variables for the variations in EPA negotiation outcomes. Even though the variables of negotiation analysis are usually studied in a continuum, the roles of these three variables are individually examined in the analysis to determine their degree of explanatory power.

Firstly, in order to explain the circumstances leading to differing EPA negotiation outcomes between the ACP regions and the EU, using the most- similar case research design in this study, the analysis of BATNA is considered as wielding a high explanatory power among the several elements of NAA. As it is seen as one of the cornerstones in most negotiation analyses, its conception and hypothesis are reasonably expected to be useful in addressing the research problem at hand in this study. Secondly, the application of bargaining/negotiation strategies/tactics is selected as an alternative independent variable with the potential to explain how mostly-similar negotiation cases would result in different outcomes. A third independent variable is considered worthwhile in examining – the role of issue linkage approach. Proposed as one of the main “devices” that increases the probability of agreement through its facilitation of mutually beneficial gains, this study tests the extent to which the issue linkage variable could help to explain the research problem of this study. The three hypotheses to be verified in the study are stated as:

**H1.** The timely EPA conclusion (outcome) between the EU and ACP Regional Economic Communities (RECs) is a function of BATNA. The Bi-regional

EPA negotiations between the EU and ACP RECs conclude quickly when at least one party has no BATNA and vice versa. That is to say, negotiations are not likely to conclude when one of the parties has a better alternative to the negotiated EPA agreement.

**H2.** The outcome of the Bi-regional EPA negotiation between the EU and the ACP RECs is a function of the negotiation strategy and tactics pursued by the parties. When the distributive strategy is adopted, there is no conclusion of the Bi-regional EPA and on the contrary, when the integrative strategy is followed, there is a conclusion of the agreement.

**H3.** The outcome of the Bi-regional EPAs depends on a joint application of issue linkage mechanism – where the parties’ trade their positions on given issues of interest in exchange for concessions from their opponents on other specific issues of interest. In other words, the more compensatory issues are linked, the more likely the EPA negotiations are to conclude; and when compensatory issues are not linked, then there are no conclusions to EPA negotiations.

Following the seemingly complementary hypotheses postulated above, one might want to know which of them, in the end, might be the main or dominant explanation for the outcome of the EPA negotiations. As pointed out in the introductory chapter, in negotiation analysis, all the variables are considered in a continuum but in this study, the three independent variables are identified separately for analytical purposes with the aim of seeing which of them would offer a robust explanation for the outcomes of the EPA negotiations. A judgement of the degree of their explanatory power thus will naturally only be known after the entire analysis is carried out – as found in the Chapters 7 and 8. Meanwhile, in the discussions of the empirical cases in chapters 5 and 6, the proposed hypotheses are used as guidance to discuss relevant issues with the aim of providing the necessary background information which would eventually go to serve as evidence in the hypotheses testing processes.

Generally speaking, the NAA is applied in this study because it grants a flexible and heuristic analytical framework of evaluating any aspect of (international) negotiation and thus deemed to provide a better framework for answering the research questions of interest in this thesis. Unlike most EU-centric approaches, the

usage of NAA in this study enables the understanding of the EPA outcomes from the perspectives both EU and the third parties involved in the EPA negotiations. In line with that assumption and in defence of the “explanatory power” of NAA, Sebenius (2009a) argues that “the emerging negotiation-analytic approach provides a unified framework” by which conceptual problems of game theories are “avoided and explanatory power enhanced” (ibid:364). While acknowledging that “negotiation analysis has game-theoretic roots, Sebenius (2009a) argues that NAA “de-emphasizes the search for fully “rationally” determined and unique equilibrium outcomes, while still acknowledging the value of game theory” (ibid:364). He postulates that, “this emerging [Negotiation Analytic] approach has additional advantages: it highlights many dynamics beyond collective action problems that can lead to impasses and suboptimal outcomes; it offers a more precise and less ad hoc characterization of power in terms of favourable changes to the Zone Of Possible Agreements (ZOPA). The NAA also recognises that actors' interests are not always material in nature and takes informational factors into account. Moreover, it can simultaneously encompass seemingly distinct phenomena such as “dilemmas of common aversion and dilemmas of common interest” (see Sebenius 2009a:364). The use of the negotiation analysis approach in this dissertation is thus based on its explanatory potential – beyond what is perceived to be possible with traditional IR and EU theories.

The chapter has also given the rationales for the selection of three specific elements of NAA as independent variables, as against others. Of course, as it is practically impossible to test every single variable related to the NAA, a choice had to be made and the selected three variables are, in consonance with their utility in the literature, subjectively considered to offer the most comprehensive and compelling explanations for the research puzzle that this study seeks to unravel. That is to say that although the other aspects of NAA could potentially address the research interest of this thesis, the selected three variables – as widely proven in the negotiation literature – are considered to offer a most plausible explanation to the research problem of interest in this thesis.

Finally, it has been argued in this chapter that the adopted combination of processual, integrative and structural analytical models, and the three variables of

BATNA, negotiation strategies and the concept of issue linkage of NAA, make the conceptual framework explanatory for the research puzzle at hand in this dissertation. Subsequently, in the following Chapter (4), the methodological approaches used in this study are outlined.



## **Chapter 4: Methodology and Research Design**

This chapter presents the methodological approaches adopted for this study in an attempt to address the research problem at hand. It begins with a brief discussion on qualitative methodology as the dominant research approach applied in the study – as against quantitative approach. Then it discusses the most-similar systems research design employed for the study and subsequently, examines the data collection techniques used. The next section then elaborates on the combination of comparative analytical models applied in this study, with the aim of answering the research questions. The first part is thus a brief exposition on a qualitative approach to research.

### **4.1. Qualitative (not Quantitative) Study**

This study has used mainly a qualitative research methodology with a comparative research design (King et al. 1996; Lijphart 1975; Lijphart 1971; Pennings et al. 1999; Peters 1998). The study thus refrains from a quantitative methodology.<sup>18</sup> On the definition of qualitative research, King et al. (1996:4), argue that it covers a wide range of approaches, “but by definition” does not rely on “numerical measurements”. Qualitative study in their view “has tended to focus on one or a small number of cases, to use intensive interviews or depth analysis of historical materials, to be discursive in method, and to be concerned with a rounded or comprehensive account of some event or unit” (King et al. 1996:4). As a methodological approach, qualitative study is widely used in social science disciplines such as Political Science and International Relations (Devine 1995, 2002; King et al. 1996). Following that approach, this study therefore makes no recourse to “numerical measurements”, but draws information from both primary and secondary sources on EU relations with the ACP Group in general but more specifically in the EPA negotiations between EU and CARIFORUM as well as ECOWAS, in a bid to address the research problem of this thesis.

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<sup>18</sup> For detailed discussion on the difference between the two main research approaches, see Collier et al. (2003).



### **Small-N Study**

In line with the qualitative approach in social science enquiry, this study examines a small number of units with the aim of drawing some relevant general conclusions in the field of study. It focuses on the subject of EPA negotiations between the EU and the ACP regions in general but specifically compares two regions as already indicated. Even though generalisation from “Small-N” studies such as this one is deemed problematic in some senses (Devine 2002:207), due to the relatively homogenous nature of the ACP regions (representing developing nations/regions) and the relatively homogenous nature of the EU (representing developed and industrialised nations/regions), it is reasonable to draw some major conclusions from this study in relation to conditions under which the two categories of countries (regions) are able to negotiate international trade agreements. That aim of generalisation of this study is consistent with the purpose of case studies as argued by Gerring (2004:352) that, a case study “is best defined as an intensive study of a single unit with an aim to generalise across a larger set of units”. The rationale for using the EU and the ACP regions as units of analysis are subsequently presented below.

As a comparative study using the selected cross-regional cases, this study treats the European Union as a single global actor (N=1) as proposed and widely done in “EU in the World” literature (see Bretherton and Vogler 1999; Bretherton and Vogler 2008; Carbone 2011; Elgström 2007; Holland 2002; Laidi 2008 ; Manners 2001; Rosamond 2005, 2014). The EU is treated as one in this study because the subject of analysis (EPA) is been undertaken by “one European Union”. The European Commission has been negotiating the EPAs on behalf of its Member States and so it is justifiable to consider it as a single case of analysis. That means, although discussing the role of (some of) the Member States in the EPA negotiations,<sup>19</sup> and

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<sup>19</sup>See joint letters written to the European Commission on the EPA negotiations by Minister for Development Cooperation Denmark et al. 2008; Petersen et al. 2013. See also a critical report on EPA by Taubira 2008, French Parliamentarian.

the role of civil society and corporations<sup>20</sup> could provide some useful context, this study does not specifically focus on that.

Similarly to treating the EU as one, the ACP Group of State is also first treated as one in relations with the EU. Then, the unit of analysis shifts to the ACP two RECs in relations with the EU. That means, even though some references are made to the individual Member States in the ACP RECs, the general unit of analysis remains the “region” as economically and politically integrated communities – as done several times in the literature (see Meyn 2004; Trommer 2011; Zartman 1971). In the next section, the reasons adduced for treating the two cases as most-similar in systems (and not one of the many other typologies of case studies) are presented.

## **4.2. Most-Similar Systems Comparative Case Study Design**

As mentioned above, this research is designed as a comparative “most-similar systems” case study examining EU’s negotiations of EPA with ECOWAS and the CARIFORUM Regional Economic Communities – mainly selected on the basis of the difference in the dependent variable (Outcome of EPA negotiations). Building upon the definition of a case study as “an intensive study of a single unit for the purpose of understanding a larger class of (similar) units” (Gerring 2004:342), this study employs the “most-similar systems” design which focuses on examining the “intersystemic similarities and intersystemic differences” as a comparative tool to interrogate the two chosen regions intensively (Przeworski and Teune 1970:33). The most-similar systems design thus has “systems” constituting its “original level of analysis, and within-system variations are explained in terms of systemic factors” (ibid.). Practically, by employing this design, researchers are supposed to “control for,” (hold constant) “common systemic characteristics” of the selected cases while viewing “intersystemic differences” as explanatory (independent) variables (Przeworski and Teune 1970:33).

Throwing more light on the most-similar systems design, Seawright and Gerring (2008) argue that the design is normally based on “two” cases that have “similar” “possible” independent variables except the independent variable whose

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<sup>20</sup>See for instance, European Trade Union Confederation 2007; International Trade Union Confederation and European Trade Union Confederation 2007.

impact is assessed in the given study: “in its purest form, the chosen pair of cases is similar on all the measured independent variables, except the independent variable of interest” (ibid:304). It is also expected that in the two selected cases, all variables are “measured dichotomously” and that, “the two cases are similar across all background conditions that might be relevant to the outcome of interest” (ibid.).<sup>21</sup> These factors have been taken into consideration in the course of designing this research project. In the next section, a number of compelling reasons why the two ACP RECs are purposively chosen as two most-similar “area” studies among the seven ACP RECs that are participating in the negotiations of EPAs with the EU are discussed.

Primarily, the selection of the CARIFORUM region for the study is because it is the first and only region to conclude a comprehensive EPA with the EU. On the other hand, West Africa is chosen for study because that region’s negotiation with EU has not concluded. West Africa is also the most prominent trading partner of EU among ACP regions. As discussed in the introductory chapter, the examination of the two cases promises enormous academic as well as policy related relevance. Further justification for selecting the two regions for close examination using a most-similar systems design is discussed below.

### **Justification for Case Selection**

The two cases are “purposefully” selected as “most-similar” cases that have different results (see Bennett 2004; George and Bennett 2004b) for a number of reasons;

Firstly, both ECOWAS and CARIFORUM are part of the larger Africa, Caribbean and Pacific group of countries constituted in 1975 by the EU for the political and economic relation as a result of member states colonial relationship with them. As claimed by the European Commission,

“Despite their diversity, ACP States share a number of common interests in the economic, social, political and cultural fields and have been united as a group since the first Lomé Convention was signed in 1975. They have negotiated the successive Lomé Conventions and the Cotonou Agreement together” (European Commission 2006a:1).

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<sup>21</sup>For further discussions on the application of most-similar systems research design, refer to Bennett 2004; George and Bennett 2003, 2004b, c.

The two regions and all the countries they consist of have common political, economic and cultural relationships with the EU and its Member States.

Secondly and flowing from their long-time political and economic relationship with the EU, the two regions under consideration here have significant material trade and development aid dependence on the EU. In terms of material trade dependence” on the EU, while the EU is and has been the number one trading partner for ECOWAS for several decades, the former is and has been the second most important trading partner for the Caribbean Forum, following the United States (Busse et al. 2004; European Commission 2005b, 2010, 2013a, d, 2014a, f, 2015a, e). Although their trading volume and value are not exactly the same, by approximation both regions have *significant trade dependence* on the EU (this is further elaborated in Chapters 5 and 6 below). On the basis of their common “significant” trading dependence on the EU, it is reasonable to assume that both regions constitute a “most-similar case” to be jointly examined in this study.

In terms of development aid dependence, both Caribbean Forum, and ECOWAS are highly dependent on the EU for development aid and trade purposes. Both regions have been beneficiaries of the generous European Development Funds (EDF) since the inception of that programme by the EU. Table 4 below, indicates the EDF allocations the two regions have been allocated from the European Commission managed EDF between 1991 and 2020.

**Table 4: EU regional level funding allocations to CARIFORUM and ECOWAS**

<b>EDF</b>	<b>CARIFORUM*</b>	<b>ECOWAS*</b>
<b>7<sup>th</sup> EDF 1991- 1995</b>	1 <sup>st</sup> CRIP (28th July 1992); two focal objectives: Regional Integration and Co-operation (Trade, Tourism, Agriculture, Transport, and Communications); and Sustainable Development (Human Resource Development and Environment) <b>EDF Allocation: €105 Million</b>	-
<b>8<sup>th</sup> EDF 1996- 2000</b>	2 <sup>nd</sup> CRIP (under Lome IV Convention) signed in February 1997. Three focal points: Regional Economic Integration and Cooperation; Human Development and Capacity Building. <b>EDF Allocation: €97.1 Million</b>	8th EDF agreement between EU and WAEMU/ECOWAS was signed on 18 October 1996. Funding focussed on supporting regional integration mechanisms, developing trade, private sector development and transport <b>EDF Allocation: €226 Million</b>
<b>9<sup>th</sup> EDF 2001-</b>	The CRIP under the 9 <sup>th</sup> EDF was signed on 8 January 2007. It provided support for	ECOWAS Regional Indicative Programme under the 9th EDF focussed

<b>2006</b>	Caribbean Integration Support Programme (CISP) which focussed on deepening regional integration and facilitating exchanges and transport.  <b>EDF Allocation:</b> €7 Million	on reducing poverty in the region and smoothly and progressively integrating the region's economies into the world economy. Namely; Facilitating long-term convergence of the WAEMU & ECOWAS integration processes and transport facilitation.  <b>EDF Allocation:</b> €235 million
<b>10th EDF 2007-2013</b>	Through the Caribbean Regional Indicative Programme (CRIP), this EDF focusses on economic diversification in the CARIFORUM countries. EU triples funds for CARIFORUM compared to 9th EDF due to the provision of additional support for EPA implementation. <b>EDF Allocation:</b> €165 million	ECOWAS 10 <sup>th</sup> EDF Regional Programme had three main focuses: Deepening regional integration, improving competitiveness and EPA (418 million euros); Consolidation of good governance and regional stability (119 M€) & Other programmes (60 M€) <b>EDF Allocation:</b> €97 million
<b>11<sup>th</sup> EDF 2014-2020</b>	Regional Caribbean's 11 <sup>th</sup> EDF is to focus on Regional Economic Cooperation and Integration, including provision for EPA implementation (€102 Million); Climate Change, Disaster Management, Environment and Sustainable Energy (€1.5 Million); Crime and Security (€44 Million); Caribbean Investment Facility (CIF) (€135 Million); and Technical Cooperation Facility (€3.5 Million). <b>Total EDF Allocation:</b> €346 million	<b>ECOWAS's regional 11<sup>th</sup> EDF has three focuses:</b> Peace, security and regional stability; Regional economic integration and trade; and Sustainable development of natural resources and biodiversity.  <b>Total EDF Allocation:</b> €1.15 billion

**Source:** Author's compilation based on (CARICOM Secretariat 2011a; CARIFORUM and European Commission 2008; CARIFORUM and European Community 2002; CARIFORUM and European Union 2015; Council of the European Union 2015; CRITI ; European Commission 2015c; European Commission and CARIFORUM 2003; European Commission et al. 2008). *\*These are regional level EDF allocations and do not include individual ACP Member States National allocations based on National Indicative Programmes as well as all-ACP level thematic programmes funded under EDF which equally benefit regions and countries in the ACP States.*

As can be seen from the table (4) above, the EDF allocations amount to billions of funding altogether – attesting to the *degree of systematic dependence* of the regions on the EU for aid donations to finance their regional activities. These regional level allocations go to fund programmes that also directly inure to the benefits of their respective Member States. In addition to that level of funding, there are also *national* EDF allocations which are found under the so-called “National Indicative Programmes”. This fact of aid dependence and its attendant systems of administration are common to the two regions under consideration.

Thirdly, apart from the similarity of both Caribbean Forum and ECOWAS being dependent on the EU for trade and development aid funding, as shown above,

the two RECs are also significantly similar in regional integration efforts. Both regions are Regional Economic Communities (RECs) or blocs, seeking internal economic integration as well as seeking integration to the global economy in order to maximise gains in global trade. The regional integration efforts in both the Caribbean Forum and West Africa regions date back to several decades ago and currently both regions have established Free Trade Areas and Custom Unions – with their aims of reaching single Economic Union ongoing respectively (Agyemang 1990; Brewster et al. 2002; CARICOM Secretariat 2001, 2011b; ECOWAS Commission 2000; ECOWAS Commission and GIZ 2012; Girvan 2007).

Fourthly, both regional blocs are composed of a similar number of the Member States, which are participating in the EPA negotiations. The 15 Members States of ECOWAS are joined by Mauritania for the West Africa-EU negotiations while there are 15 CARIFORUM Member States that are participating in the EPA negotiations with the EU. It is assumed that as the two regions negotiate as one bloc, a similar internal negotiation dynamics and aggregation of regional positions would prevail in both regions and thus influence the EPA negotiation processes and outcomes in similar ways.

Fifthly and finally, it is assumed that both RECs used or planned to use similar EPA negotiation processes and structures as proposed in the framework of the ACP countries prior to the commencement of the negotiation during the all-ACP and EU preparatory phase (ACP Group of States and European Commission 2003; Bernal 2004). Both negotiations were in two phases – following an all-ACP – EU level of negotiations that was followed by separate bi-regional EPA negotiations with the EU. The second phase of negotiations started around similar times (2003/2004) with the similar timelines of expected conclusion – by December 2007 (Bernal 2004; CARICOM Secretariat 2004; ECDPM 2006d; ECOWAS and European Commission 2004; European Commission 2003; Lamy 2004; Lodge 2004). The two regions thus also shared a similarity in the processes and procedures that involved in the EPA negotiations and hence could be examined under the most-similar system of design. These enumerated similarities of the two regions are summarised in table 5 below.

**Table 5: Summary of Similarities between CARIFORUM and ECOWAS RECs**

<b><i>CARIFORUM</i></b>	<b><i>ECOWAS</i></b>
<ul style="list-style-type: none"> <li>• Member region of the ACP Group of States in relation with the EU.</li> </ul>	<ul style="list-style-type: none"> <li>• Member region of the ACP Group of States in relation with the EU.</li> </ul>
<ul style="list-style-type: none"> <li>• High dependence on EU for aid through EDF.</li> </ul>	<ul style="list-style-type: none"> <li>• High dependence on EU for aid through EDF.</li> </ul>
<ul style="list-style-type: none"> <li>• Significant trade dependence on EU (EU is 2<sup>nd</sup> most important trade partner).</li> </ul>	<ul style="list-style-type: none"> <li>• Significant trade dependence on EU (EU is 1<sup>st</sup> most important trading partner).</li> </ul>
<ul style="list-style-type: none"> <li>• Regional economic and political community or bloc seeking to establish a single market and economy (CARIFORUM together with the CARICOM reached the Customs Union in 2006). The aim of the single market and economy is still ongoing.</li> </ul>	<ul style="list-style-type: none"> <li>• Regional economic and political community or bloc seeking to establish a single market and economy (ECOWAS reached the Customs Union status in 2014). The aim of a single currency and economy is still ongoing.</li> </ul>
<ul style="list-style-type: none"> <li>• Negotiating Party to the proposed EPA with the EU</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiating Party to the proposed EPA with the EU</li> </ul>
<ul style="list-style-type: none"> <li>• A similar number of Member States in the regional community (14 out of 15 CARICOM members<sup>22</sup> + The Dominica Republic).</li> </ul>	<ul style="list-style-type: none"> <li>• A similar number of Member States in the regional community (ECOWAS 15 + Mauritania).</li> </ul>
<ul style="list-style-type: none"> <li>• High expected EPA adjustment costs (estimated at €24 Million in 2005)</li> </ul>	<ul style="list-style-type: none"> <li>• High expected EPA adjustment costs (estimated at €2, 789 billion in 2005 and revised to €9.5 billion in 2011)</li> </ul>

**Source:** Author's own compilation.

It is assumed that by their shared similarities especially in relation to the European Union, the study of the two regions using the most-similar systems design will increase the credibility of the findings of the study as alluded to in Social Science methodological literature. For instance, the application of the most-similar design in this study is expected to increase its potential to constitute an “optimal” comparative enquiry as argued in the literature: studies based on the belief “that systems are similar as possible with respect to as many features as possible constitute the *optimal* samples for comparative inquiry” (Przeworski and Teune 1970:32, emphasis added). Again, in combination with process tracing as undertaken in this study, most-similar case design is supposed to give “greater inferential leverage than the “logic of correlation” because process tracing can unpack the causal mechanisms

<sup>22</sup> Montserrat, though a member of the CARICOM is not part of the CARIFORUM-EU EPA configuration.

that underlie a correlation” (Nielsen 2014:6-7, citing Tarrow, 2010) as well as providing a “strongest basis for generalisation” (Seawright and Gerring 2008:298). Generally speaking, the application of the most-similar systems design is expected to provide a high possibility to “test hypotheses” such as outlined above in this study (see Bennett 2002:48; Przeworski and Teune 1970:38).

By way of concluding this section, although no two cases are exactly the same in real life situation, the two purposefully selected cases systemically have relevant common characteristics in relations to the research interest of this thesis and so it is suitable to apply the most-similar system design in a quest to examine them. The puzzle of interest is thus, why and how did EPA negotiations involving these two “most-similar systems” and the EU result in a “different outcome” - as in one of them (the EU-CARIFORUM) concluding the EPA in 2007 with relatively comprehensive content coverage although EU-ECOWAS negotiations have still not concluded – after 12 years of negotiation. Explanations to these different outcomes in the negotiations are provided in this research project. In the next section, a detailed data collection methods and data management techniques applied in this study are discussed.

### **4.3. Data Collection Techniques**

Two main data collection methods and several techniques have been employed in the course of this study as a means to obtain primary and secondary data and evidence related to the research interest. Those are presented and discussed below.

#### **Primary Data Collection Methods**

Primary and secondary data have been collected on the EPA and used for this study. Regarding the primary sources of data, this study has relied on official written documents produced and decisions taken in relations to the EPA policy and negotiations by the EU institutions – most especially Communications and Press Releases by the European Commission, Decisions by the European Council of Ministers and the Resolutions of European Parliament. Similarly, primary information on the EPA obtained from Press Statements of ECOWAS Commission; Final Communiqués of ECOWAS Authority of Heads of State and Government, decisions of ECOWAS Trade Ministers; and their Caribbean counterparts, namely; Statements by Caribbean Forum Secretariat’s; Caribbean Community (CARICOM)



Secretariat; EPA related Decisions of Caribbean Heads of States after their Summits, relevant decisions of CARIFORUM Council of Ministers; and CARICOM Council for Trade and Economic Ministers regarding decisions and proceeding of the EPA negotiations have been analysed.

Other sources of primary data that have been utilised in this study have included decisions of intergovernmental bodies of ACP Group of States - mainly decisions and Declarations of the Heads of States and Governments following their Summits; and resolutions of ACP Council of Ministers as well as decisions of ACP Committee of Ambassadors. Relatedly, decisions and Declarations of African Union Heads of State and Government; decisions of African Union Conference of Trade Ministers, as well as decisions of African Union Ministers of Foreign Affairs and Regional Integration, have provided primary data related to the EPA negotiations which have been invaluable in this study.

Moreover, ACP-EU joint institutions provided another source of obtaining first-hand data on the subject of study. Resolutions of ACP-EU Joint Council of Ministers and Communiques of ACP-EU Joint Parliamentary Assembly provided equally valuable data on the EPA negotiations which have been applied in this study. The approach of sourcing and using primary data such as being outline is a widely applied method of data collection in political science and international relations. The data that could not be obtained in a recorded or written form were obtained through the employment of expert interviews as a technique. That approach is discussed below.

### **Expert or Elite Interviews as a Means for Primary Data Collection**

In addition to the written primary data collected for this study, expert or elite interviews were conducted to obtain primary information from persons who were directly involved in decisions making. Specifically, 42 elite or expert face to face and elite telephone interviews were conducted between 2011 and 2015 among officials of European Commission and European Parliament in Brussels, ACP Ambassadors and high ranking officials in Brussels, ECOWAS Commission officials in Abuja, Nigeria and in Brussels; CARIFORUM officials in Brussels, officials of EU Delegations in Ghana and Addis Ababa and relevant officials of African Union Commission (See Table 8 below). These people were chosen to interview either due to their knowledge

and expertise on the subject of the EPA negotiations or their direct involvement in the negotiations. The application of elite interview as a means to collect relevant information in this study is based on the norm that, the approach is widely used as one of the means to obtain data in political science research (Richards 1996).

The elites interviewed were also selected on the basis of purposive sampling. This sampling method, contrasted with random sampling, is when the researcher guided by the purpose of a study deliberately look for practitioners or individuals who are affected by the issue of interest with the aim of collecting information (Johnson and Reynolds 2012; Tansey 2007). Practically, while effort could be made to obtain representative data among the research population with purposive sampling, the aim is not specifically to achieve that but rather to obtain relevant information in tandem with the research goal (see Johnson and Reynolds 2012:239).

**Table 6: Indication of elite interviews conducted based on purposive sampling**

EU	ACP Group		
	<i>All-ACP Level</i>	<i>CARIFORUM</i>	<i>ECOWAS</i>
<ul style="list-style-type: none"> <li>❖ European Commission (DG Trade)</li> <li>❖ European Parliament (Trade Committee; ACP Unit; Development Coop. Unit)</li> <li>❖ ACP-EU Joint Parliamentary Assembly</li> </ul>	<ul style="list-style-type: none"> <li>❖ ACP Council of Ministers</li> <li>❖ ACP Committee of Ambassadors</li> <li>❖ ACP Secretary General &amp; experts at the ACP Secretariat.</li> <li>❖ ACP Trade and Development Experts.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Ambassadors in Brussels</li> <li>❖ CARIFORUM Secretariat</li> <li>❖ Former Negotiators</li> <li>❖ Civil Society Representatives</li> </ul>	<ul style="list-style-type: none"> <li>❖ Ambassadors and Trade attaches of ECOWAS Countries in Brussels</li> <li>❖ ECOWAS Commission (Abuja)</li> <li>❖ Ministries of Trade of ECOWAS Countries</li> <li>❖ ECOWAS Representation to the EU in Brussels</li> <li>❖ Civil Society Representatives in ECOWAS</li> </ul>

**Source:** Author's own compilation.

Interviews with some European Commission officials and some officials working with members of trade and development Committees of European Parliament were conducted between 2012 and 2015. Expert interviews were also conducted in ECOWAS Commission in Abuja and some officials of embassies of West African country in Brussels between 2012 and 2015. In the course of 2014-

2015, interviews were conducted with officials of embassies of CARIFORUM member countries in Brussels on the region's EPA negotiations and implementation. Those elite interviews were conducted with the aim of confirming known information, getting new information and getting a further understanding of the issues of interest in this thesis from the perspective of decision makers that could not be obtained otherwise. As a consequence, those interviewed were officials who had direct involvement in the negotiation or experts who had extensive knowledge of the subject (see Appendixes 1 and 2 for the guiding interview questionnaire and list of conducted interviews respectively). All interviews were conducted with a promise of anonymity. To improve the reliability of information, data obtained were also cross-checked against written records and from other interviews conducted.<sup>23</sup>

### **Secondary Data Collection Methods**

Apart from the above enumerated primary sources of data applied in this study, there were also secondary sources of data which have equally helped in this study. Data on trade negotiations, regional integration, and trade statistics, among others were obtained from official websites, articles in academic journals and in books. Many third party reports, policy papers and commissioned reports related to ACP-EU (trade) relations in general but specifically to the EPA negotiations were also utilised. For instance, this study has to a large extent relied on European Centre for Development Policy Management (ECDMP) *EPA Updates* and *Trade Negotiation Insight (lately GREAT Insights)* project that provided huge data independently obtained on the EPA negotiations between the EU and the ACP regions. As a development and trade policy "think and do tank" headquartered in Maastricht, the ECPM right from the onset of the EPA negotiations started documenting the processes and timelines of the negotiation and has built a huge repertoire of data on all aspects of the negotiation. Some other think tanks and research institutes whose interest and publications on the EPA helped in this study are South Centre, based in Geneva; the Overseas Development Institute (ODI), London; International Centre for Trade and Sustainable Development (ICTSD) based in Geneva, Switzerland and African Trade Policy Centre, based in UN Economic Commission for Africa, Addis

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<sup>23</sup>For an overview of pros and cons of elite interviews in Social Science, refer to Bogner et al. (2009) and Richards (1996:200).

Ababa – Ethiopia. These are reputable research institutions whose works border on EU and the ACP Group of States and have built high integrity over the years such that, the secondary data obtained from their dossiers are deemed highly trustworthy and reliable for this study. To validate information gathered on the topic of interest in this study, triangulation technique of research was employed. In the following section, attention is turned on data analysis technique that is used in this study.

#### **4.4. Data Analysis Approach - Establishing a causal link between Research Variables**

##### **Comparative Analysis**

A comparative qualitative technique has been used for the analysis of all obtained data for this thesis to offer explanations for the difference in EPA negotiation outcomes. In line with the goal of “comparison,” as a means to ensure a systematic analysis and investigation (Faure 1994:307), the analysis in this study follows a systematic design to address the identified research problem and the posed research question. This is discussed below.

To begin with, it is important to reiterate the rationale and importance of undertaking a comparative study. Commenting on the importance of the “comparative method”, Collier (1993) argues that a “comparison is a fundamental tool of analysis” (Collier 1993:105). In his view, comparison “sharpens our power of description, and plays a central role in concept-formation bringing into focus suggestive similarities and contrasts among cases” (ibid.). It also helps on the testing of hypothesis: “comparison is routinely used in testing hypotheses, and it can contribute to the inductive discovery of new hypotheses and theory building (ibid.). Collier also identifies additional yet connected goals of comparative studies; that they are done to systematically examine covariation among cases for the purpose of causal analysis; to systematically examine two or more cases to determine that a particular set of model of concepts best illuminate them (Collier 1993:108, citing Skocpol and Somers 1980). In this current study, a comparative analysis is applied to confirm some assumptions of negotiation theories and to be able to systematically study the trade negotiation preferences of the cross-case regions being studied.

It must be reiterated that there are various comparative methods but the one applied in this study is the most-similar systems design. In line with the most-similar systems design, which has the original level of analysis as the system – where variations in the systems are explained by “systemic factors” (Przeworski and Teune 1970:33), the study is mainly limited to the systemic levels of the EU and the ACP Group – without dwelling much on national or individual (personal) levels of analysis. As a result, the comparative analysis is divided into three comparative sections where each section considers the role of one independent variable on the dependent variable. The analysis follows an all-ACP-EU EPA negotiations level and an EU-ACP REC negotiations level. At the EU-ACP REC systemic level of analysis, the two cases of EU-ECOWAS and EU-CARIFORUM EPA negotiations are the focus. At both levels, all the three independent variables and their respective hypotheses are tested.

To maintain the systematic and scientific nature of the study based on the research design, all the common systemic characteristics are deemed dependent or “controlled for” variables whereas the intersystem differences are viewed as explanatory (independent) variables. That literally means in the current study, the dependent variables – outcome of the EPA negotiations is held constant while tracing the effect of the three independent variables that are systemically different in the chosen cases – BATNA, negotiation strategies/tactics and issues linkages approach. The analysis for each independent variable is done while holding other variables constant in order to be able to clearly delineate the impact of each independent variable.

On the basis of most-similar systems comparative analytical technique, the following theoretical causal assumptions adapted from Przeworski and Teune (1970:34) are employed as benchmark in the study;

1. That, the factors that are common to the two regions (CARIFORUM-ECOWAS) under examination are irrelevant in determining the behaviour being explained (EPA Negotiation outcome) since different patterns of behaviour are observed among these regions sharing these similar factors; alternatively,

2. That, any set of variables that differentiates the two regions in a manner corresponding to the observed differences in behaviour (or any interaction among these differences) can be considered as explaining these patterns of behaviour.

It is on the basis of these causal benchmarks that the study justifies the validity or otherwise of the three proposed hypotheses deduced from negotiation theory. Those analyses of the hypotheses are carried out in chapter 7.

Additional qualitative approaches of data analysis that are employed in this study include *content* and *document* analyses. An overview of how those are used in this study is presented below, beginning with Content Analysis.

## **Content & Document Analyses**

### **Content Analysis:**

As part of the analytical methodology, this study utilises Content Analysis (CA) - one of several research methods used to analyse text data in the social sciences.<sup>24</sup> CA is seen as a flexible method for analysing text data (Cavanagh, 1997) or as belonging to a family of analytic approaches which range from impressionistic, intuitive, interpretive analyses to systematic, strict textual analyses (Rosengren, 1981) (both cited in Hsieh and Shannon 2005: 1277). As a data analysis technique, CA is used in the two dominant research approaches – the quantitative and qualitative methodologies. In line with the mainly qualitative methodology applied in this study, the *qualitative* content analysis (QCA) is employed. Part of the remainder of this section thus discusses QCA as data analytical tool.

To begin with, when QCA is used, the focus is on “the characteristics of language as communication with attention to the content or contextual meaning of the text” (Hsieh and Shannon 2005:1277, citing Budd, Thorp, & Donohew, 1967; Lindkvist, 1981; McTavish & Pirro, 1990; Tesch, 1990). The approach is a widely used approach in research (see Elo and Kyngäs 2008; Hernández-Guerra 2014; Zhang and Widemuth 2009) and normally involves three practical steps: identifying

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<sup>24</sup> For discussion on other ways of analysing text data in research such as phenomenology, ethnography, (critical) discourse analysis, grounded theory, historical research, document analysis, and conversational analysis, see Hernández-Guerra 2014.

relevant data from among many; structuring the data manually or with computer software; and then using the structured data to draw causal links according to the research interest (Hsieh and Shannon 2005:1278). The data for the textual analysis could be verbal, print, or electronic form. The source of data could also be from narrative responses, open-ended survey questions, interviews, focus groups, observations, or print media such as articles, books, or manuals (Hsieh and Shannon 2005:1278). Three main approaches of doing qualitative content analysis are also identified. Namely, conventional, directed and summative content analysis (see Hsieh and Shannon 2005:1279-1285).<sup>25</sup> This current study employs the summative content analysis approach – which involves the identification and or quantification of certain words or content in the text with the purpose of understanding the contextual use of the words (ibid.).

By way of application, in order to comprehensively understand the debates that the EPA negotiations generated between the EU and the ACP Group and the negotiation preferences as well as the negotiation processes, this study employed a “minimalist approach” of summative qualitative content analysis as part of a triangulation strategy, and methodological approaches to obtain and analyse relevant data and documents related to the EPA negotiations. First, the numerous accessible EPA negotiation official documents were identified from several sources of a primary and secondary nature (as shown in Appendix 4 below), those were collected and their contents analysed to obtain a cross-section of views that have informed decisions making and discussions on the EPA subject.

In line with the summative content analysis approach, where researchers try to understand the true meaning of words describing a social phenomenon, this study identified certain keywords and content in the text such as “development friendly EPA”, “reciprocal EPA”; “alternative to EPA”; “EPA adjustment costs” and “WTO compatibility” which repeatedly featured in the EPA negotiation discourse with the

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<sup>25</sup> According to Hsieh and Shannon (2005), whereas in conventional content analysis, the researcher directly obtains coding categories from the text data inductively, the directed content analysis begins with theoretical assumptions or findings and uses that as guide to obtain coding categories from the text. Alternatively, in the summative content analysis, the researcher begins with identification and quantification of certain words or content in the text with the purpose of understanding the contextual use of the words. That first step is then followed by interpretation of the underlying context (ibid.).

purpose of understanding their contextual usage, meaning and implications for the EPA negotiations. The meanings and implications of those key terms were then used to inform the analysis and interpretations of the behaviour of the negotiating parties. The usage of Document Analytical technique in the study is discussed next.

### **Document Analysis:**

Closely related to the CA approach is “Document Analysis” (DA) which is “a systematic procedure for reviewing or evaluating documents” – of both printed and electronic material (Bowen 2009:27). Similarly to CA, DA requires that “data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge” (Bowen 2009:27, citing Corbin & Strauss, 2008 & Rapley, 2007). For this purpose, document analysts may use data from: press releases; program proposals, organisational or institutional reports; survey data; various public records; minutes of meetings; manuals; background papers; event programs, agendas, letters and memoranda attendance registers, and books and brochures; diaries and journals; maps and charts; advertisements; newspapers; application forms, and summaries; and radio and television program scripts (see Bowen 2009:27-28).

As an analytical technique in social science, DA is often used in combination with other qualitative research methods as a means of triangulation or used as a stand-alone analytical tool (see Bowen 2009:28-29). It is thus based on the rationale of methodological and data triangulation and the immense value of documents in case study research that the approach is applied in this study.

Practically, the application of DA in this study has involved three steps: first, skimming (superficial examination) of documents; second, reading (thorough examination) of documents; and third, undertaking interpretation of those documents as proposed by Bowen (2009:34). This process involved a combination of some elements of content analysis and thematic analysis to “establish the meaning of the document and its contribution to the issues being explored” (see Bowen 2009:33). By so doing, a determination of the relevance, authenticity, credibility, accuracy, and representativeness of the selected documents to the research problem and purpose is



made (ibid.).<sup>26</sup> See Appendix 4 below for an indicative list of documents utilised in this study.

Furthermore, as comparison is a central tool of analysis in this study, one approach that fundamentally underpins it – process tracing – which serves as a tool in identifying the causal mechanisms between the research variables, is discussed in the section below.

### **Process Tracing Technique**

In addition to the analytical framework described above, in order to understand the dynamics of the negotiation processes and the factors of influence, the process tracing approach, a widely-used qualitative research technique, was also adopted to follow key negotiation processes and landmark events involving all the negotiating partners that are the focus of analysis in this study – namely, the EU, the ACP Group in general and the CARIFORUM and the ECOWAS negotiations specifically. George and Bennett (2004) define process tracing as a method that attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable (George and Bennett 2004a:6-7). It is supposed to be an analytical tool for drawing descriptive and causal inferences from diagnosed pieces of evidence – often understood as part of a temporal sequence of events or phenomena (Collier 2011:824).

The application of process tracing in data analysis is necessitated by the fact that there may be many variables delicately impacting observable social phenomena. To be able to delineate the real causal mechanism, each identified variable should, ideally, be literally traced to determine its impact; “given the close engagement with cases and the centrality of fine-grained case knowledge, process tracing can make decisive contributions to diverse research objectives” (Collier 2011:824).

There are therefore various rationales for the application of process tracing in a given research analysis. Namely, to identify novel political and social phenomena and systematically describe them; to evaluate prior explanatory hypotheses, discover new hypotheses, and assessing their causal claims; to gain insight into causal

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<sup>26</sup> For further discussion on the use and merits and demerits of DA, see Bowen 2009:31-35

mechanisms; and finally to provide an alternative means of addressing challenging problems such as reciprocal causation, spuriousness, and selection bias (see Collier 2011:824). Process tracing is therefore done with an overall aim of tracing the links between causes (independent variables) and outcomes (dependent variables). In practical terms, therefore, by undertaking process tracing, the researcher examines histories, official and unofficial documents, interview transcripts, media reportage among other sources to see whether the causal process a theory hypothesizes or implies in a case is, in fact, evident in the sequence and values of the intervening variables in that case (George and Bennett 2004a:6-7). It is considered essential in this study that process tracing has been an effective tool for mapping out mechanisms that lead the selected independent variables to result in a specific outcome as a step towards the verification of the proposed hypotheses describing the relationship between the variables in this study.

Process tracing as a methodology is widely used in the discipline of Political Science and International Relations especially in case studies (see Bennett and George 1997; Checkel 2005; Falleti 2006). In EU negotiation studies, many scholarly works are undertaken with the application of process tracing as the main or part of the methodological approach to trace processes of decision making and causal links between independent and dependent variables (Niemann 2004, 2012; Niemann 2006, 2011; Niemann and Mak 2010). Studies also use the approach of process tracing as “a method for the analysis of causal mechanisms that carefully traces events, processes and actors’ beliefs and expectations” (Niemann 2006:476, citing George and McKeown 1985) and as “a method that establishes a link between cause and effect beyond the level of correlation by appealing to knowledge of the real structures that produce observed phenomena” (ibid:citing, Dessler 1991). The usefulness of process tracing in the validation of hypotheses in negotiation studies such as this project is also alluded to by Dür and Mateo (2009:13). This chapter identifies indications of causality that are looked for in the course of the study as a measure of evidence, as presented below in table 9.

As a method of data collection and analysis, process tracing has a number of benefits as well as drawbacks. On benefits, the approach is credited for inter alia, helping researchers to move beyond “correlational arguments” and towards theories

that capture and explain the world as it is; encouraging and facilitating researchers ability to check “alternative explanations” of social phenomena thereby limiting their personal biases on findings; and helping to “build bridges” between different theoretical propositions (Checkel 2005:14-17). On the other hand, Checkel (2005:17-21) identified five drawbacks of the process tracing approach. Namely, the approach is weak in helping to develop “parsimonious or generalizable theories”; it places an unrealistic demand on research to ideally trace every single detail of sequential processes; and it is a very time-consuming approach.

Other drawbacks of the process tracing approach pointed out by Checkel (2005) include its ability to cause researchers to overlook the “bigger contextual picture” in favour of the nitty-gritty of processes; and finally, its empirical orientation and positivist leaning makes its usage challenging for constructivists and other scholars who employ an interpretative epistemological approach in their research (see Checkel 2005:17-21). These “pro et contra” of the process tracing approach are corroborated in the literature by the works of Tansey (2007) and Falletti (2006).

Notwithstanding the above highlighted general challenges associated with the application of process tracing, it is argued that its application in this current study has been useful. For instance, it is based on the process tracing approach that the measurements of research variables in the study – shown below in table 7 – have been developed to enable clear analysis of impacts of given variable.

**Table 7: Measurements and operationalisations of Research Variables**

<i><b>Independent Variable</b></i>	<i><b>Dichotomous Indicators</b></i>	<i><b>Dependent Variable (EPA Negotiation Outcome)</b></i>
<b>BATNA</b>	Presence	EPA negotiations not concluded
	Absence	EPA negotiations concluded
<b>Negotiation Strategy &amp; Tactics</b>	Integrative	Timely EPA conclusion
	Distributive	No conclusion of EPA negotiations
<b>Joint Issues Linkage Approach</b>	Reciprocal trade off on negotiation issues between parties for mutually beneficial decision	Timely EPA conclusion
	No reciprocal trade off on negotiation issues between parties for mutually beneficial decision	No conclusion of EPA negotiations

**Source:** Author's own compilation

Principally, by applying processing tracing method, this study has been able to trace the evidence of causality during the EPA negotiations between the EU and the ACP regions. This approach has: helped to explain the negotiating processes and behaviour of the EU and the ACP negotiating parties; used a triangulation technique for cross-checking of facts and information from official documents, media, and through elite interviews; and hence has been able to test whether the residual differences between two similar cases were causal or spurious in producing a difference in these cases' outcomes as argued by George and Bennett (2004a:6-7) and Nielsen (2014:9). Before concluding this chapter, some challenges that have confronted this study and how they are addressed to ensure the reliability of the research finding are highlighted below.

#### **4.5. Research and Methodological Reliability**

Just like every other social science research endeavour, completing this thesis has been challenging, but conscientious efforts have been made to limit if not eradicate those challenges to ensure a methodologically rigorous and theoretically sound piece of research. This section highlights some of those challenges that confronted this study and how their negative impacts have been mitigated.

One of the main challenges that confronted this study was a methodological one – that of selecting comparable cases from the rather big and somewhat loose ACP Group of 77 countries belonging to seven Regional Economic Communities. An initial case examination, however, revealed that the Caribbean Forum which remained the only ACP REC with a full EPA was comparable with the ECOWAS REC in several ways as highlighted above in Section 4.2. After that first case selection step, however, as generally identifiable with case study designs – especially “most-similar systems design” as used in this study – is the possibility that the variable that is not studied could equally be the source of the variation in the dependent variable. This phenomenon is termed sometimes as the “problem of indeterminacy” in case study research designs (Bennett 2004:41). That challenge of the study meant that effort had to be taken to identify key variables playing significant roles as a measure to improve the quality of conclusions that could be drawn from this study – thereby limiting “all other possible” competitive and plausible explanations out there. Even though the theoretically deduced variables are deemed stronger in explaining the research problem of this study, it is acknowledged that there may still be some explanatory variables that are not accounted for in this study. Taking on advice by (Bennett 2004:41), it is thus acknowledged that there may be more than one explanation to the cases studied and that the tested hypotheses may be both “competitive” and/or “complementary” in nature.

A second natural challenge that confronted this study is underpinned by the kind of secrecy that normally surrounds international trade negotiations. In this case, access to some EPA documents such as the original negotiating mandates as well as determining the true interests and positions of the parties on the issues on the table. Relatedly, the use of *diplomatic semantics* in the accessible EPA negotiation reports somewhat hid the true meaning and views of the parties. Assuredly, the negative impact of such data non-availability and secrecy related to this study has been

compensated with a satisfactory number of face-to-face and telephone interviews, and the application of a triangulation technique.

Thirdly, and finally, it is assumed that a field trip to the Caribbean region could bring first-hand information and possibly an additional insight and perspective to bear on the study. However, due to time and financial constraints there could not be such field research in the Caribbean region as was done in the West African region. That notwithstanding, based on the extensive desktop study and interviews conducted with policy makers, professionals and researchers from that region, as well as with people with expertise on the subject of interest in the Caribbean region, it can be guaranteed that this study did not lack any necessary data from or on CARIFORUM.

Notwithstanding the above challenges of the study, a number of measures were put in place to ensure a rigorous, reliable and highly scientific research outcome. These measures are highlighted below;

- I. The study adopted a *data triangulation* technique to ensure the cross checking of all data obtained from diverse sources throughout the study. Elite interviews of representatives of the major stakeholders were also conducted. These methodological steps have contributed to the trustworthiness of this thesis.
- II. The *process tracing technique* employed allowed a conscientious account of the impact of events and sequence of processes that characterised the negotiations as well as all the role played by the actors involved.
- III. A *peer review strategy* where preliminary findings at various stages of the research were presented at different conferences and seminars was also adopted throughout the research period. That process allowed for critical feedback from academics and practitioners who were not directly involved in the research (see Appendix 7 for an indicative list of presentations done by the Author where feedback were obtained in the course of this research). The study has thus benefited from a high standard of scientific peer reviews that have helped to improve the quality of analysis and methodological trustworthiness.

Based on these additional measures, the reliability and trustworthiness of this thesis and its findings can thus be vouched for.

#### **4.6. Conclusion**

This chapter has discussed the methodological approaches and techniques used in the course of completing this thesis project. It has discussed qualitative methodology as the dominant research approach used for the study and elaborated on most-similar systems case study as the main research design. It has further discussed the primary and secondary sources of data collection methods that were used. Subsequently, the data analysis techniques – a combination of a comparative method, content and document analysis techniques, and a process tracing approach – have been discussed and rationales for their usage discussed. Prior to this conclusion, the chapter has provided an explanation for terminologies and concepts as used in the thesis as well as pointed out challenges that have confronted the study and how those have been surmounted. This chapter ends part III of this thesis. The next two chapters constitute part IV of the thesis and present overviews of the two selected case regions.

## Part IV: Stating the Empirical Cases





## **Chapter 5: Empirical Case Study I: Introducing Caribbean Forum as Regional Economic Community**

In this chapter, the Caribbean Forum (CARIFORUM) is introduced. The background of the region that became the first region among the ACP regional economic blocs to sign deep and comprehensive regional EPA with the EU since 2008 is spelt out. It discusses the membership of the bloc, the political context and state of economic development as well as its level of regional integration. The chapter ends with a description of nature and processes that characterised the EPA negotiations with the European Union. It begins with a general introduction of CARIFORUM.

### **5.1. Introducing Caribbean Forum**

The Caribbean Forum (CARIFORUM) is a regional political-turned-economic community of states in the Caribbean region currently consisting of fifteen (15) countries. Namely; Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago. The forum was established in October 1992 based on a 15-member existing Caribbean Community (CARICOM) plus the Dominican Republic as a political group to be a forum for economic and political dialogue and coordination between the Caribbean states and the EU.

CARIFORUM also exists to promote integration and cooperation in the Caribbean.<sup>27</sup> The countries in this region are mainly former colonies of the United Kingdom, France, Spain and the Netherlands as reflected in the main languages spoken in the region, namely English, French, Spanish, and Dutch. See table 8 below for some initial selective indicators about the CARIFORUM region.

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<sup>27</sup> According to the information on the CARIFORUM Website, the main objectives of the group are “to manage and coordinate policy dialogue between the Caribbean Region and the European Union; and to promote integration and cooperation in the Caribbean” See [http://www.caricom.org/jsp/community\\_organs/cariforum/cariforum\\_main\\_page.jsp?menu=cob](http://www.caricom.org/jsp/community_organs/cariforum/cariforum_main_page.jsp?menu=cob), accessed on 17 March 2013.

**Table 8: Selected Profiles of the CARIFORUM Region**

<b>Country</b>	<b>Land size</b>	<b>Population</b>	<b>GDP/Per Capita (in \$ US Dollars)</b>
<b>1. Antigua and Barbuda</b>	442 km <sup>2</sup>	89, 990 (WB 2013)*	1,201 billion/ 13,342.1 (2013)
<b>2. The Bahamas</b>	13,864 km <sup>2</sup>	372,000 (UN 2012)*	8,420 billion/ 22,312,1 (2013)
<b>3. Barbados</b>	430 km <sup>2</sup>	284, 600 (WB 2013)	4,533 billion/ 16,004 (2012)
<b>4. Belize</b>	22,966 km <sup>2</sup>	331, 900 (WB 2013)	1, 624 billion/ 4,894 (2013)
<b>5. Cuba</b>	109,884 km <sup>2</sup>	11,271,000 (WB 2013)	71,07 billion/ 6,300.8 (2012)
<b>6. Dominica</b>	751km <sup>2</sup>	72, 000 (UN 2012)	499 million/ 6,958 (2012)
<b>7. Dominican Republic</b>	48,192km <sup>2</sup>	10,277,000 (UN 2012)	61.16 Billion/ 5,879 (2013)
<b>8. Grenada</b>	344km <sup>2</sup>	105, 900 (WB 2013)	835.6 million/ 7,891(2013)
<b>9. Guyana</b>	214,969km <sup>2</sup>	795, 000 (UN 2012)	2,990 billion/ 3,739,5 (2013)
<b>10.Haiti</b>	27,750 km <sup>2</sup>	10, 32, 000 (WB 2013)	8,459 billion/ 820 (2013)
<b>11.Jamaica</b>	10,991 km <sup>2</sup>	2,715, 000 (WB 2013)	14, 36 billion/ 5,290 (2013)
<b>12.Suriname</b>	163,820 km <sup>2</sup>	539, 300 (WB 2013)	5,299 billion/ 9,826 (2013)
<b>13.Saint Lucia</b>	616 km <sup>2</sup>	182, 300 (WB 2013)	1,336 billion/ 7,328 (2013)
<b>14.St. Christopher and Nevis</b>	261 km <sup>2</sup>	54, 190 (WB 2013)	765,9 million/ 14,133 (2013)
<b>15.St. Vincent and the Grenadines</b>	389 km <sup>2</sup>	109, 400 (WB 2013)	709,4 million/ 6,486 (2013)
<b>16.Trinidad and Tobago</b>	5,130 km <sup>2</sup>	1,337,000 (UN 2012)	24.64 billion/ 18,373 (2013)

**Source:** Compiled from World Bank (WB)\*, CARICOM Secretariat, United Nations (UN)\* 2015.

It can be seen from the table that, based on its land and population sizes of its member states, the CARIFORUM region is consisted of relatively smaller islands with smaller GDP (relative to those of EU). In the following section, additional elements about the constituents and functions of CARIFORUM as a political bloc in the Caribbean region are outlined.

## 5.2. Political and Institutional Contexts of Caribbean Region

The Caribbean region as a whole is pregnant with diverse political and economic groups with different and overlapping memberships, to the extent that that context had implications on the region's EPA negotiations with the EU. To give a brief overview, in addition to the CARICOM and CARIFORUM groups, there are the British and Dutch Overseas Countries and Territories (OCTs).<sup>28</sup> There is also French Overseas Departments in the Caribbean (DOMs) with a membership of French Guiana, Guadeloupe, and Martinique. These British, Dutch and French OCTs are not full members of CARIFORUM but hold observer statuses (see CARICOM Secretariat 2013). Then, there is Organization of American States (OAS) which is composed of 35 countries in the Caribbean region and those in Latin America region.<sup>29</sup> All the CARIFORUM member states are also members of the OAS. Finally, there is "Organization of Eastern Caribbean States (OECS)" established under a Treaty of Basseterre on 18<sup>th</sup> June 1981 – consisting of the independent Eastern Caribbean countries (see OECS Authority 1981).<sup>30</sup> All the six independent countries and the British Overseas Territory Montserrat are full members of the CARICOM (see Beek et al. 2000). It is reasonable to expect that all these groupings and their overlapping nature naturally made the development of regional consensus on the EPA negotiations difficult. That also means that the CARIFORUM, consisting of countries which simultaneously belong to diverse economic and political groups, operates in a highly convoluted political, economic and socio-cultural environment in the fulfilment of its core mandate of overseeing the relationship between its membership and the European Union especially in relations with CARICOM, as highlighted below.

One of the key challenges for CARIFORUM's operation as a regional consultative platform is how best to avoid duplicating the functions of CARICOM.

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<sup>28</sup>The membership includes Anguilla, Aruba, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and Netherlands Antilles.

<sup>29</sup>For the current list of membership, see [http://www.oas.org/en/about/member\\_states.asp](http://www.oas.org/en/about/member_states.asp), accessed on 17 March 2015.

<sup>30</sup>The membership include: Antigua & Barbuda; Dominica; Grenada; Montserrat; Saint Lucia; St. Christopher (St. Kitts) & Nevis and St. Vincent & the Grenadines) as full members plus British territories of Anguilla and the Virgin Islands as associate members. For further information about the OECS see <http://www.oecs.org/about-the-oecs/who-we-are/about-oecs>, accessed in June 2014.

Unfortunately, it is found that both regional bodies are playing competing and somewhat parallel roles which end up creating complications in the governance of the region (see Luff et al. 2012). How then does CARIFORUM operate – especially in relation to the EPA negotiations subject? This is discussed below.

CARIFORUM has grown from the Forum that “monitors and coordinates the allocation of resources out of the European Development Fund (EDF) for the purpose of financing regional projects in the Caribbean Region within the framework of the Lome IV Convention” (CRITI), according to the rules of procedures governing the existence and functioning of CARIFORUM adopted in 1992, to a Forum with a broadened aim, in 2002:

“...the body that comprises Caribbean ACP States for the purpose of promoting and coordinating policy dialogue, cooperation and regional integration, mainly within the framework of the Cotonou Agreement between the ACP and the European Union and also the CARIFORUM European Community Economic Partnership Agreement (EPA)” (CARICOM Secretariat 2013).

Therefore to date, the aims of the CARIFORUM cover the coordination of policy dialogues among the members as well as non-members in the region, the promotion of regional integration, and is in charge of negotiating and implementing the Economic Partnership Agreement with the EU.

In terms of decision-making and operational procedures, “all decisions of the Forum are made by consensus” according to both original and amended Rules of Procedures of 1992 and 2002 respectively (see CARICOM Secretariat 2013; CRITI). That means, decision-making on controversial topics could take a longer time as every Member States has to agree to it.

Regarding its institutional mechanisms, the first and foremost body under CARIFORUM is the Council of Ministers. That is composed of one representative each from all member states. Traditionally, this representative is the Minister of Foreign Affairs (ibid.). The Council of Ministers meets once a year and the Chairperson of their meeting is elected for a period of 12 months in a rotating manner (CARICOM Secretariat 2013).

The second institution of CARIFORUM is the Secretary General. There is an appointed Secretary-General of CARIFORUM who is simultaneously the Secretary-General of CARICOM. He or she “is responsible for the overall management of the

Caribbean Regional Indicative Programme (CRIP) and serves as a channel of official communication between the Forum and the EC on matters related to the CRIP, including matters affecting its development and implementation” (CARICOM Secretariat 2013). The same Secretary General of CARIFORUM, also take on the function of Regional Authorising Officer (RAO) for regional projects financed by the European Development Fund and thus signs the Financing Agreements of the Regional Programmes on behalf of the CARIFORUM States (ibid.).

The third decision-making body on the organogram of CARIFORUM is Director General of the CARIFORUM Directorate who also serves as the Coordinator for the implementation of Economic Partnership Agreement. The CARIFORUM Directorate, therefore, works:

“to provide support to the Secretary General of CARIFORUM, in delivering key results pertinent to the development cooperation relationship between the CARIFORUM States and the European Union, as well as in the coordination of the Economic Partnership Agreement implementation. The position also provides assistance to the Secretary General in mobilising funds from non-EU sources aimed at the development of CARIFORUM Member States” (CARICOM Secretariat 2013).

For the effective delivery of these core responsibilities, the CARIFORUM Directorate is divided into two: EPA Implementation and Development Cooperation and Programming Units, with each unit headed by an Executive Director (ibid.). In order to simplify governance procedures, as the *political* forum increasingly dealt with trade and economic issues, some institutions of CARIFORUM were merged with the structures of CARICOM for purposes of trade, development and regional integration (Luff et al. 2012:15).<sup>31</sup>

Finally, regarding the institutional set up of the CARIFORUM, a Caribbean Export Development Agency (CEDA) was established by an intergovernmental agreement in 1996 with the aim of promoting trade in and with the 15 Member States of CARIFORUM (see Ministers of CARIFORUM 1996). The mandate of CEDA was broadened in July 2005 to include investment promotion.

In addition to the institutions of CARIFORUM outlined above, in 1997 the “Caribbean Regional Trade Negotiations Machinery (CRNM)” was established as a regional instrument for grouping regional resources and dealing with international

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<sup>31</sup>For further information, see <http://www.criti.info/informationaboutcariforum>, accessed in May 2015

trade negotiations for all members of the CARIFORUM group including both Dominican Republic and Cuba (Luff et al. 2012:14). As explained below in section 5.5, given the CRNM's expertise and experience it plays the significant role of leading and coordinating the EPA negotiations with the EU.

In concluding this section, it is within the above political and institutional framework that the CARIFORUM regional EPA with the EU was negotiated and is currently being implemented. In the next section (5.3), the social and economic development context is also briefly described to provide the background information to understanding the negotiation preferences and behaviour of the CARIFORUM region.

### **5.3. Social and Economic Development Contexts**

The countries in the CARIFORUM region are all of non-Least Developed Countries (Non-LDCs) categories except Haiti. That is to say, even though the economies in the region are neither *industrialised* nor *highly developed*, the majority of them have moved from the statuses of UN categorised Least Developed Countries (LDC) to the next higher level of Developing Countries (Non-LDCs).<sup>32</sup> By extrapolation, the only LDC of CARIFORUM, Haiti, is thus a country that is characterised by low income, a low level of human resources and have structural economic vulnerabilities and challenges, as defined by the UN. Confirming the relatively developed and yet challenging situation of the Caribbean region, the CARICOM Secretariat (2014) states that:

“Most nations are defined as middle and high income; however poverty levels remain a challenge. Moreover, having ‘graduated’ to upper middle-income or high-income, based on per capita GDP, many Members find it difficult to attract development funding, even though small size and island status pose particular challenges of vulnerability to external shocks, natural or man-made”(CARICOM Secretariat 2014:165)

The CARICOM/CARIFORUM region is thus one that is relatively developed compared to its West Africa counterpart, yet is confronted with peculiar socio-economic challenges as a result of its geographically-induced vulnerabilities. Generally speaking, therefore, poverty and underdevelopment are not very widespread in the CARIFORUM region; rather the majority of the countries enjoy

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<sup>32</sup>As explained above, the LDCs are low-income countries suffering from structural impediments to sustainable development.” The Non-LDCs are thus slightly above in their developments.

high human development index and a high per capita income as shown with the table (9) below.

**Table 9: Economic Development Profile of CARIFORUM Countries**

Member State	GDP per Capita (US\$) 2012	Debt to GDP Ratio 2012	Doing Business Indicator s Rank 2012*	Human Developm ent Rank 2012**	% Population Below Poverty Line***	Internet Penetratio n 2012
Antigua and Barbuda	13,401	97.8	63	HHD 67	18.4 (2006)	82.0%
The Bahamas	23,417	52.6	77	HHD 49	n/a	45.3%
Barbados	16,307	70.4	88	VHHD 38	19.3	71.8%
Belize	4,386	81.0	105	MHD 96	41 (2009)	22.8%
Cuba						28.0 %
Dominica	7,022	72.3	68	HHD 72	28.8	51%
Grenada	8,133	105.4	106	HHD 63	37.7	35%
Guyana	3,596	60.4	114	MMD 118	36 (2006)	30.3%
Haiti	1,300	15.4	174	LHD 161	n/a	9%
Jamaica	5,526	143.3	90	HHD 85	16.5	54.7%
St. Kitts and Nevis	12,869	144.9	96	HHD 72	21.8 (2008)	44%
Saint Lucia	7,509	78.6	53	HHD 88	28.8	35%
St. Vincent and the	6,637	68.3	75	HHD 83	30.2 9 (2007)	73.2%
Suriname	9,339	18.6	164	MHD 105	n/a	33.7%
Trinidad and Tobago	17,935	35.7	69	HHD 67	17 (2005)	53.2
Dominican Republic	5,879	-	84	HHD 102	2.2 (2010)	57.8%

Source: Adapted from CARICOM Secretariat (2014:5), World Bank, International Monetary Fund (IMF); Internetworldstats

\* Among 185 assessed countries in 2012.

\*\* VHHD – Very High Human Development; HHD – High Human Development; MHD – Medium Human Development; LHD – Low Human Development, out of 187 countries ranked in 2012.

As can be seen in the table, apart from Belize, Grenada, Guyana and St. Vincent and the Grenadines where about a third of their populations live below the global poverty line (of US\$1.25 per day), the remaining countries have the majority of their citizenry enjoying relatively high living standards. This is corresponding to the majoring of the countries in the region ranked in the 2012 Human Development Index in the categories of “Very High” and “High” Human Development with the



exception of Haiti which is ranked as having a “Low” Human Development at a position of 161 out of the 187 countries ranked. Notwithstanding that positive development outlook, it is also seen that majority of the countries in the Caribbean region have a rather high debt-to-GDP ratio with only an average internet penetration.

The next sub-section considers how the region fares in terms of international trade especially, trading with the European Union. For a general impression of the region’s global trade performance, see Appendix 5.

### **CARIFORUM-EU Trade in Goods**

The EU is the second-most important trading partner of the Caribbean Forum as can be seen from table 10 below. According to the 2013 EU-CARIFORUM trade data, the United States took over a third (33.8%) of the Caribbean region’s trade in goods. That was followed by the European Union and Venezuela with 12.7% and 8.6% respectively.

**Table 10: Top 10 CARIFORUM Trading Partners in Goods -2013**

<b>No.</b>	<b>Partner Country</b>	<b>Total Trade Value</b>	<b>% in World</b>
	World	74,740	100
1.	USA	25,242	33.8
2.	EU 28	9,518	12.7
3.	Venezuela	6,419	8.6
4.	China	5,089	6.8
5.	Canada	3,154	4.2
6.	Brazil	2,903	3.9
7.	Mexico	1,911	2.6
8.	Argentina	1,869	2.5
9.	Colombia	1,783	2.4
10.	Japan	1,700	2.3

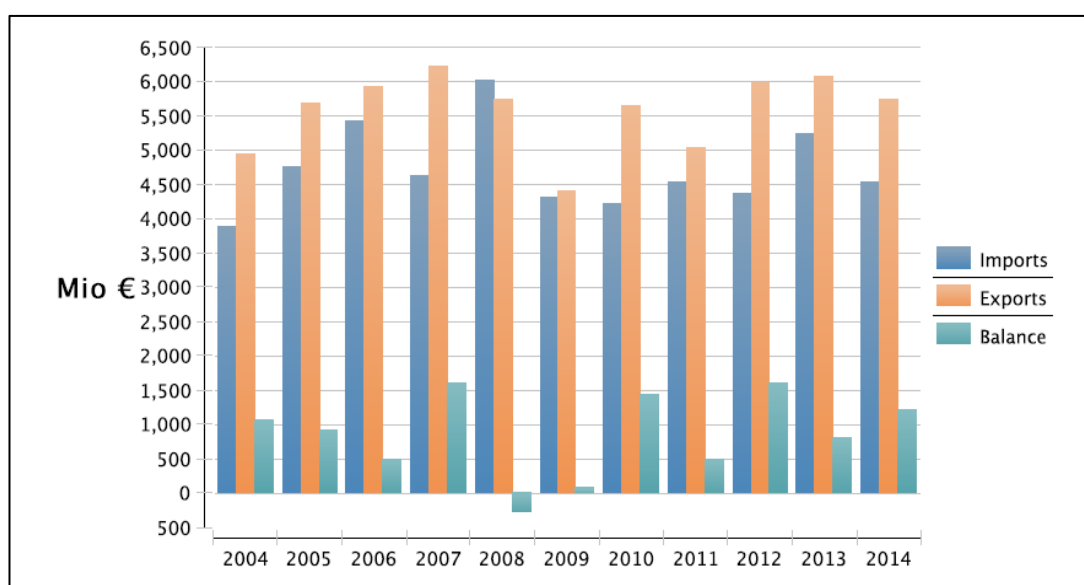
**Source:** European Commission (2015f:9), Eurostat Comext

Due to their geographical proximity, United States (US) has been the biggest trading partner of the CARIFORUM region for a long time. For instance, it is reported that

between 2002 and 2006 the US accounted for 51% of Caribbean trade in exports (ECLAC 2008a:8).

However, as additionally demonstrated in Figure 2 below, after the US, the next most important trading partner of the CARIFORUM is the EU (see European Commission 2014a; European Commission 2014e, 2015a). As can be deduced from the Figure, the combined imports and exports trade in goods volumes between the two regions have ranged from: about 8.8 billion euros in 2004; to 10.3 billion euros in 2008, to 10.35 billion euros in 2012; and to 11.8 billion euros in 2014 (see European Commission 2015f:3, 4).

**Figure 2: EU Total Trade in Goods with CARIFORUM 2005 - 2014**



**Source:** European Commission (2015f:3), Eurostat Comext, Statistical regime 4

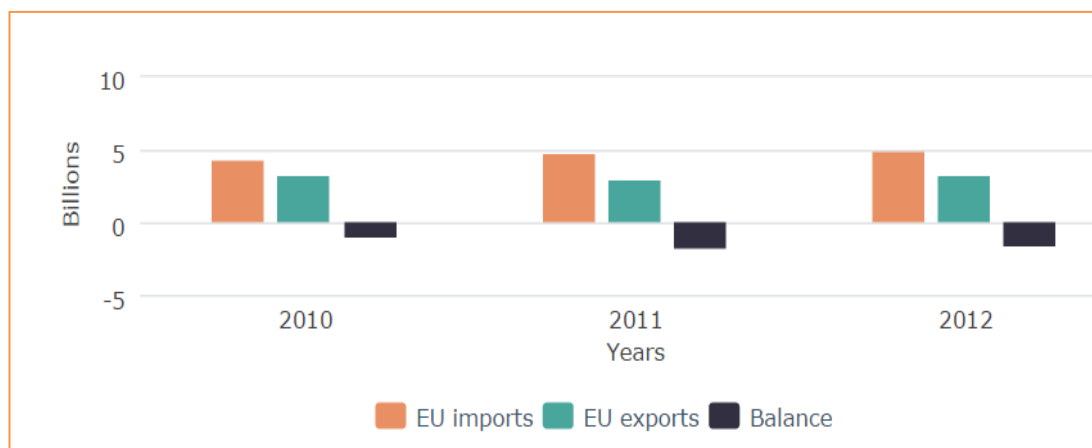
It is important to know that, among the 16 countries in the CARIFORUM region negotiating the EPA, the prominence of trading with the EU varies quite significantly among them. It is noted that five countries in the region, namely, The Bahamas, Cuba, Dominican Republic, Jamaica and Trinidad and Tobago feature prominently in the bi-regional trading in goods (Xenellis 2011:2).

Apart from the trading in goods, trade in services also features prominently in the EU-CARIFORUM trading relations. That is briefly discussed below.

### CARIFORUM-EU Trade in Services

While members of the CARIFORUM bloc do have a trade in goods deficit in relations with the EU, the region in most cases has a surplus in trade in service. A review of available EU-CARIFORUM trade in service statistics from 2010-2012 (as shown below in Figure 3) reveals that, in 2010, the EU had a trade deficit of 1 billion euros (EU's services imports from CARIFORUM was 4.3 billion euros and export to the region was 3.3 billion euros).

**Figure 3: EU-CARIFORUM Trade in Service Statistics 2010-2012, in Billion Euros**



*Source:* European Commission (2015a)

It is also seen that, in 2011, the EU services imports and exports were 4.8 billion euros and 3.0 billion euros respectively, leaving a deficit of 1.7 billion euros. The balance of EU's trade in service in the subsequent year 2012 with the Caribbean region was again a deficit (of 1.5 billion euros) whereas its import was 4.8 billion euros and export was 3.3 billion euros.

With a surplus in trade in service in relation to the European Union, the services sector, especially tourism as mentioned above, is thus a crucial sector of which most CARIFORUM countries have a competitive advantage. That is why its advancement seemed to have played a very critical role in the preference formation of the Caribbean region during the EU-CARIFORUM EPA negotiations (Interviews 39 and 40).

Trade in services is gradually replacing agriculture in the CARIFORUM region: "The Caribbean has historically been dependent on export earnings to

contribute to economic and social development (The Caribbean Export Development Agency 2015:12). However, that prominent role of the agricultural sector is fast changing now. Nowadays, “while agriculture still contributes significantly to the GDP of some member states (Guyana 21%, Belize 12% and Suriname 10.9%) the majority of countries in the region have diversified away from agriculture and are now heavily dependent on the services industry” (ibid.). That reduction in the profile of agriculture in the region, in the view of the CARIFORUM/CARICOM Secretary-General, Edwin Carrington, is due to a number of negative incidents in the bloc’s relationship with the European Union. Lamenting about it in 2005, he said;

“... the Region’s trade prospects are virtually being cut off at the knees, as it were. This derives mainly from the changes in our trade relationship with our European Union partners. This relationship has been put under tremendous strain by virtue of a number negative changes imposed on our trade in Bananas, Sugar, Rum and Rice. These commodities, as we all know, are crucial to the economic well-being of the Region and these negative changes will, therefore, have significant and severe implications not only for our current economic condition but also for our future economic performance” (CARICOM Secretariat 2005).

With that dwindling competitiveness in agricultural exports, the majority of the CARIFORUM countries have been diversifying their economies to the services sector over the past several years. The services sector have subsequently become the biggest foreign exchange earner for the CARIFORUM region especially tourism and entertainment services (ECLAC 2008a) . Tourism is considered as a sector with much more potential for the Caribbean countries to diversify their economies; “Tourism is a major income earner for most Caribbean countries contributing as much as 17% of GDP in countries such as the Bahamas and accounting for 60% of service export of the Eastern Caribbean Currency Union (ECCU)” (ECLAC 2008a:9). In effect, the services sector has become one of the most prominent sectors for many countries the region and that is why getting the opportunity to improve it through the EPA with EU was crucial to the signing of that agreement. In the next section, the dynamics of regional integration in the Caribbean region is discussed regarding how its helped or retarded the negotiations.

#### **5.4. State of Regional Integration in CARIFORUM**

The Caribbean Forum had made far more progress in its regional integration at the time of the EPA negotiations than it was the case with ECOWAS. As mentioned earlier in the introduction, the CARIFORUM group was formed based on an existing Regional Economic Community, CARICOM, which is a 15-member group of countries at different levels of economic development. The CARICOM was established in August 1973 to replace the then Caribbean Free Trade Association (CARIFTA) with the aim of promoting economic integration and cooperation among the member states (Caribbean Community 1973; CARICOM Secretariat 2001).

In addition to the birth of the Caribbean Community, the greatest political commitment and efforts for the swifter integration of the region was born at the 10<sup>th</sup> Meeting of the Heads of Government of the Caribbean Community in July 1989 in what is known as the “Grand Anse Declaration.” The Preamble of that Declaration states that,

“At this our Tenth Meeting here in Grenada, we, the Heads of Government of the Caribbean Community inspired by the spirit of cooperation and solidarity among us are moved by the need to work expeditiously together to deepen the integration process and strengthen the Caribbean Community in all of its dimensions to respond to the challenges and opportunities presented by the changes in the global economy” (Heads of Government of the Caribbean Community 1989).

It would seem that, that realisation of “the need to work expeditiously together to deepen the integration process...” (ibid.) of the region since the late 80s/early 90s has been the reference point for the Caribbean elite to work towards the deepening and widening of their integration. The Grand Anse Declaration set timelines towards the achievement of the Common Market as a stepping stone for the establishment of the Caribbean Single Market and Economy

After 13 years of integration efforts, a revised treaty was adopted in 2002 to work towards the achievement of a Common Market and a Single Economy (CARICOM Secretariat 2001) and achieved its single market status in 2006: “The Single Market came into force in January 2006” and “the Single Economy is expected to come on stream in 2015” (CARICOM Secretary-General 2010:3).

However, both academics and practitioners attest to the fact that there have been several hurdles on the way but much progress has been made and continued to

be made towards the greater integration of the Caribbean Community (Brewster et al. 2002; Girvan 2007). For instance, before embarking on the negotiations of EPA with the European Union, several programmes and activities had been undertaken towards the achievement of the integration goal set almost three decades ago. By 2006, in the course of the EPA negotiations, it was reported that,

“Caribbean countries [were] currently engaged in a variety of external trade negotiations that should foster their integration into the world economy. These include negotiations in the Doha Development Round of the WTO, continuing talks on the Free Trade Area of the Americas (FTAA), and negotiation of an EPA with the European Union and of an FTA with Canada. CARICOM has also started discussions on deepening trade relations with MERCOSUR through the conclusion of a free trade arrangement with this South American region” (ECDPM 2006b:2).

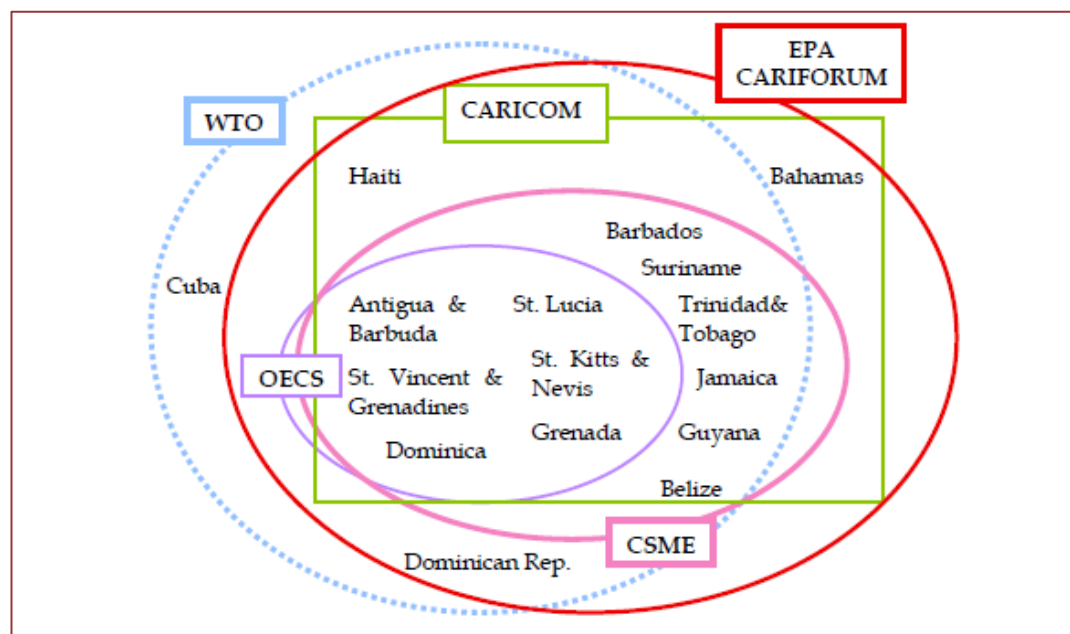
In addition to those international trade engagements, the Caribbean region had already negotiated and concluded bilateral trade agreements with Venezuela, Colombia and with Costa Rica (*ibid.*).

It must be reiterated that (as already mentioned above) the CARICOM consists of all the countries negotiating EPA with the EU except the Dominican Republic, which has had quite a fraught relationship with the CARICOM bloc following the latter’s refusal to grant membership to it (see Alison 2015; Gibbings 2014; Jamaica Observer 2005; Stabroek News 2013).<sup>33</sup> There is thus a complex picture of the region’s configuration of integration as can be seen from Figure 4 below.

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<sup>33</sup>The reasons given for the refusal of CARICOM to grant membership to Dominican Republic seems to be varied; but it is due mainly to its size as the second largest country in the region, next to Cuba. There is thus fear among the smaller island states of losing their market to it should it join the economic bloc. However, a second reason alluded to by an expert from the region interviewed in 2015 is the historical difference between the Dominican Republic, a Spanish colony, as compared to majority of the CARICOM members who were British and French colonies.

**Figure 4: Regional Integration Configurations in the CARIFORUM region**



**Source:** South Centre (2008a:7); see also ECDPM (2006b:4)

As can be seen in Figure 4 above and as hinted at in section 5.2, there exist in the region, the Organisation of East Caribbean States (OECS) whose members constitute a subset of the CARICOM Single Market and Economy (CSME). Then the combination of the OECS and the members of the CSME constitute CARICOM. Additionally, there is Free Trade Area established between CARICOM and Dominican Republic – a configuration that serves as the basis of CARIFORUM Free Trade Area with the European Union under the EPA signed in 2008. Although Cuba is a member of the CARIFORUM and the ACP group, it is not part of the Economic Partnership Agreement with the EU as rightly shown in Figure 4 above. Then, there is also a CARICOM-Dominican Republic Free Trade Area established in December 2001 following the conclusion of an FTA on 22 August 1998 (see CARICOM and Dominican Republic 1988).

Overall, in 2014, the CARICOM Secretariat rated the region's integration efforts towards the achievement of the Single Market and Economy at 64% (CARICOM Secretariat 2014:20). The average rate of integration is as the result of the sustained financial crisis in the West from 2007-2008 and subsequent budget

crisis and global recession in 2009-2011, which badly affected the Caribbean nations and the entire region due to a reduction in tourism revenue (see *ibid.*).

Moreover, in recognition of the challenges confronting the region's integration, during a retreat in Guyana from 21 -22 May 2011, the Heads of Government of the Caribbean States stated that:

“...it would not be possible to fully implement the Single Economy by the anticipated deadline of 2015. They also recognised that there [was] an implementation deficit on many of the decisions already taken on the CSME. They, therefore, agreed that it would be prudent to consolidate the gains made thus far on the CSME before taking any further action on certain specific elements of the Single Economy, such as the movement towards the single currency” (CARICOM Secretariat 2011b).

Efforts towards achieving the single currency in the region have therefore been shifted towards “other critical elements of the Single Economy, such as the development of the agriculture and services sectors, a regulatory framework for the movement of capital, and the creation of an enabling environment for investment” (*ibid.*).

Among what is thus left to be done on the integration agenda in the region include, the single currency moving towards the CARICOM Monetary Union (as hinted at already), the full harmonisation of policies and sectors such as agriculture, fiscal and monetary policies, and competition as well as Intellectual Property Rights.

By way of conclusion, it is seen regarding the state of regional integration over the course of EPA negotiations, while the Caribbean region was relatively advanced compared to its West African counterpart, it still had challenges relative to the many issues still on the integration agenda in the midst of global economic and political turbulence. It is thus argued that, as tested in *Hypothesis II* (in section 7.2 below), the chosen Caribbean regional EPA negotiating strategy was dependent on the relative advancement of its regional integration, which facilitated the presentation of a relatively united front vis-à-vis the EU in the negotiations. The next section (5.5) below subsequently presents an overview of the actual EU-CARIFORUM EPA negotiations structures and processes, as they happened; and the recent state of affairs.



## **5.5. Describing EU-CARIFORUM EPA Negotiations**

This section seeks to briefly describe the actual structures and processes put in place for the actual EU and CARIFORUM EPA negotiations. The aim is to give a synopsis of what actually transpired during the negotiation processes and thereby provide understanding on the options that were available to the Caribbean region, how those were perceived, as well as an understanding of the reasons behind the strategies and tactics that were pursued during the negotiations. The section continues with an indication of the negotiation procedures and structures, then highlights the issues covered in the negotiations and eventually ends with the state of affairs regarding the concluded EPA at the time of completing this report.

### **Negotiation Processes and Structures**

The CARIFORUM-EU EPA negotiation followed a general EU-ACP two-step approach adopted by a Joint Ministerial Council in September 2002: First, there were to be an all-ACP and EU negotiations on general thematic structures and principles governing the EPA negotiations, after which, there would be a second step of EU and the regional economic bloc configurations among the ACP countries (ACP Group of States 2002; European Commission 2002b; Karl 2002).

After an initial challenge of not agreeing on how to begin and proceed with the phase one EPA negotiations, due to divergence in interests and differences in approaches and principles between EU and the ACP Committee of Ambassadors in Brussels (see Byron and Lewis 2007b:67), eventually six Working Groups were set up for the all-ACP-EU level of negotiations (*ibid.*). Namely, Market Access, Trade Related Issues, Working Group on Trade in Services, Agriculture, Group on Development Cooperation and Working Group on Legal Issues (see *ibid.*). Those all-encompassing negotiations spanned a year period leading to a joint EU-ACP framework of EPA negotiations contained in October 2003 “Joint Declaration and Report” (ACP Group of States and European Commission 2003).<sup>34</sup>

With the completion of all-ACP-EU negotiations in October 2003, the second phase regional negotiations between the EU and CARIFORUM formally started in April 2004 according to a 2004 “Plan and Schedule for CARIFORUM-EC

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<sup>34</sup>For a more detailed account of the processes of the all-ACP and EU negotiations, consult the final joint report issued in October 2003.

Negotiation of an Economic Partnership Agreement” adopted on 22 April (see European Commission 2004c). In that plan, four phases of bi-regional EPA negotiation timelines were envisaged as presented below;

- I. The first phase (April 2004-September 2004) was to focus on identifying the concerns of the CARIFORUM region and to put in place measures to engage all stakeholders on the EPA and to establish guidelines for an EPA to come into effect no later than January 1, 2008;
- II. The second phase, which was to be a one year period from September 2004 to September 2005, would be “to establish a common understanding of the priorities for support of Caribbean regional integration, and the targets to be attained by the time of the commencement of implementation on January 1, 2008 and beyond” (European Commission 2004c:5). In addition to technical negotiating on measures in support of CARIFORUM integration, during this second phase negotiations, efforts would be put into identifying sources of assistance required for CARIFORUM capacity building in relation to priority issues identified as necessary for EPA (see European Commission 2004c:5) and (Bernal 2004)).
- III. The third phase was to be a time of consolidating the discussions and points of common understanding into a draft EPA agreement. The aim of this phase was to be threefold, namely: forging an agreement on the structure of an EPA agreement; consolidating the outcome of discussions on the priority issues for CARIFORUM regional integration; and agreeing on an approach to trade liberalisation (European Commission 2004c:6).
- IV. The final phase was to be for the finalisation of the agreement from January to December 2007 (European Commission 2004c:7). It was agreed that during that period of negotiation both the European Union and the CARIFORUM parties would “seek to consolidate the results of the negotiations by addressing items of disagreement stemming from previous rounds of the talks”, as well as both parties agreeing on the institutional framework and structures for EPA implementation as well as mechanisms of reviewing the agreement so endorsed (ibid.).

To compare the originally proposed negotiation timelines above to the actual negotiation timelines, see Box 4 below;

#### Box 4: Indicative Timeline of EU-CARIFORUM EPA Negotiations

1. 16 April 2004 -Kingston, Jamaica- Caribbean-EU EPA negotiations formally opened with the parties agreeing on the objectives, structure, and handling of negotiations.
2. 22-23 April 2004, Christ Church, Barbados - Seventh Meeting of the Council for Foreign and Community Relations (COFCOR) “reiterated the commitment of the Region to conclude an economic partnership agreement with the European Union, which would place emphasis on the priorities for Caribbean development supported by equitable trade arrangements”<sup>35</sup>
3. 22 April 2004 – a Plan and Schedule for CARIFORUM EC Negotiation of an Economic Partnership Agreement was adopted.
4. 29 May 2004, Guadalajara, Mexico -Meeting between the Troika of the European Union and CARIFORUM Heads of State and of Government, “underscored the value of a successful conclusion of an Economic Partnership Agreement between the European Union and CARIFORUM... emphasised that this Agreement will be primarily an effective tool for sustainable development, taking into account the special characteristics of the CARIFORUM countries.”<sup>36</sup>
5. 15 July 2004, Brussels- first CARIFORUM-EC Principal Negotiators meeting for negotiations
6. 11 November 2004 - First Meeting of the CARIFORUM-EC Regional Preparatory Task Force in the preparation of Memorandum of Understanding of modalities of their tasks and a work programme. This was adopted the next day during the meeting of Senior Ministers.
7. 12 November 2004 - Second Senior Ministers meeting for negotiation in Barbados. CARIFORUM-EC Joint Press Release on EPA issued. Good progress was made on CARIFORUM Regional Integration Process; Structure and Schedule of CARIFORUM-EC Negotiations; and Modalities and Work Programme for the Joint Regional Preparatory Task Force (RPTF).
8. 28-30 September 2005, St Lucia - EU Trade Commissioner Peter Mandelson and CARIROUM launched Phase 3 of the EPA negotiations
9. 30 January 2006, Kingston, Jamaica - The formal launch of the Caribbean Community (CARICOM) Single Market (CSM) **(CARICOM Secretariat 2006c)**.
10. 27-28 March 2006, Barbados - Fifth meeting of CARIFORUM-EU principal negotiators
11. 28 September 2006, Georgetown, Guyana - Officials of Caribbean Forum of

<sup>35</sup>See Press Release online at [http://www.caricom.org/jsp/pressreleases/pres58\\_04.jsp](http://www.caricom.org/jsp/pressreleases/pres58_04.jsp), accessed in June 2014.

<sup>36</sup>See Press Release online at [http://www.caricom.org/jsp/pressreleases/pres79\\_04.jsp](http://www.caricom.org/jsp/pressreleases/pres79_04.jsp), accessed in June 2014

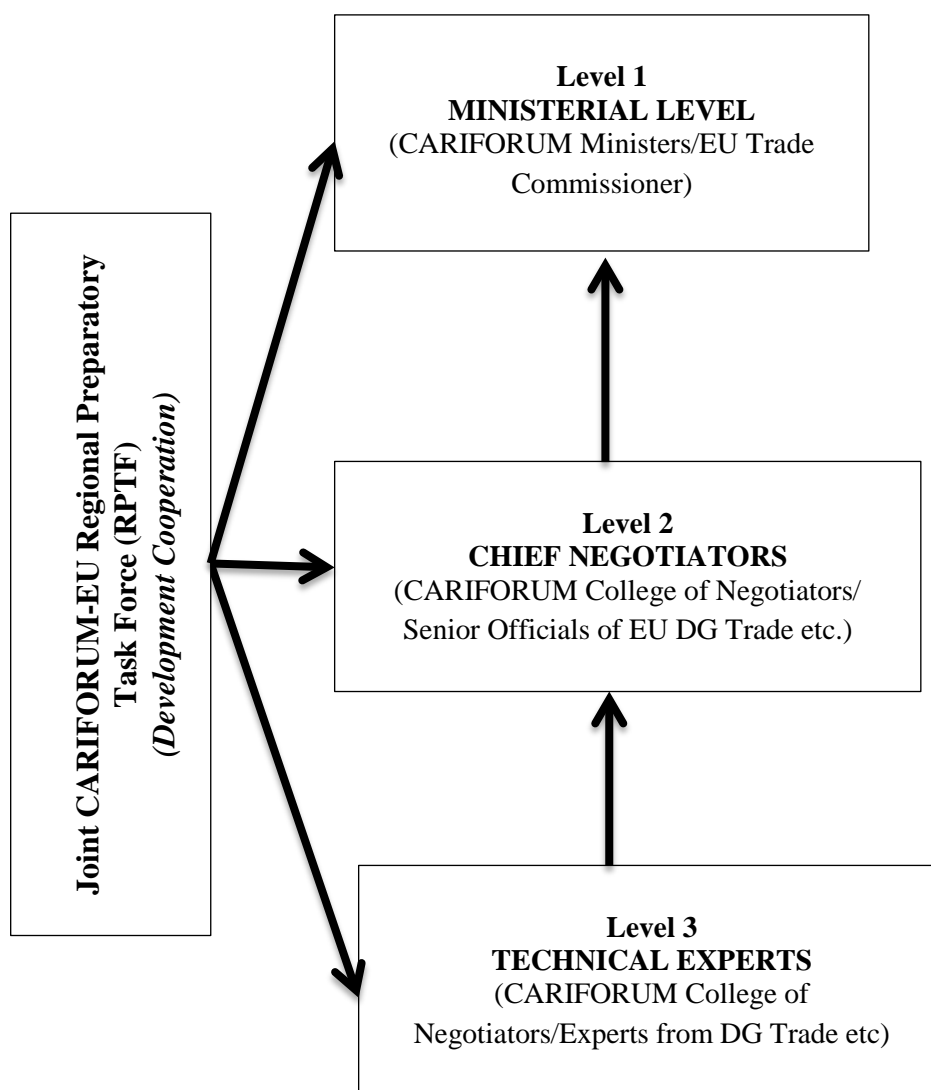
- ACP States (CARIFORUM) and the European Union (EU) gather for preliminary discussion on the programming of resources for CARIFORUM Regional Programmes under the 10th European Development Fund (EDF).
12. October 2006 - Launching of Caribbean Integration Support Programme with €40,500,000 under the 9th European Development Fund (EDF) designed to assist the integration of the Caribbean Region into the world economy. Out of this amount, 770,000 euro grant given to Caribbean Regional Negotiating Machinery (CRNM) to “develop and enhance CARIFORUM capacity to prepare for, participation in and undertake external trade and economic negotiations particularly in respect of Economic Partnership Agreements (EPAs) with the European Union and to derive maximum benefits for the region from those negotiations” (CARICOM Secretariat 2006b)
  13. 29-30 November 2006, Brussels – Third EPA Ministerial (the EU Trade Commissioner and the Caribbean Ministers concluded Phase III of the negotiations) and issued a Joint Plan and Schedule for concluding CARIFORUM-EC Negotiations of an Economic Partnership Agreement.
  14. 30 November 2006, Brussels, EU and Caribbean states launch final phase of EPA negotiations
  15. 4-5 October 2007, Montego Bay, Jamaica - Special meeting between CARIFORUM Heads of State and Government and EU Commissioners for Trade and Development
  16. 16 December 2007- Barbados, European Commission and Caribbean countries agree on full Economic Partnership Agreement. EPA initialled.
  17. 22 February 2008-First publication of the final EU-CARIFORUM EPA text.
  18. 10 May 2008, at the 26th Special Meeting of the Council for Trade and Economic Development (COTED), Antigua and Barbuda Ministers agreed to sign EPA and the provisional application of the EPA (to be in July 2008)
  19. 15 October 2008, Bridgetown, EU-13 countries of the Caribbean region signed the Economic Partnership Agreement (EPA) in October 2008
  20. Guyana signed the CARIFORUM-EU EPA on 20 October 2008 as the 14<sup>th</sup> country.
  21. 10 December 2009, Haiti signed the EU-CARIFORUM EPA as the 15<sup>th</sup> Country.
  22. 29 December 2008, beginning of Provisional application of the agreement, in accordance with Article 243
  23. 25 January 2010, Brussels - The Bahamas initials EPA trade in services and investment commitments with the European Union
  24. March 2009 - the EP approves the EU-CARIFORUM EPA

**Source:** Own Compilation from sources including European Commission, Caribbean Regional Negotiating Machinery (CRNM), and CARICOM Secretariat.

The four phases of negotiations between EU and the Caribbean Forum as outlined above were to be undertaken at three levels according to the plan of schedule adopted in 2004. Namely, at the ministerial level, at the principal negotiators’ level, and by subject-specific negotiators (technical experts levels) (see European Commission

2004c:3). See also (Bernal 2004; CARIFORUM and European Commission 2004). The compositions and functions of the three levels of negotiations as illustrated in Figure 5 are discussed below.

**Figure 5: Structures of the EU-CARIFORUM EPA Negotiations**



**Source:** Own compilation on the basis of European Commission-CARIFORUM EPA negotiations documents.

At the highest political level of the negotiation as indicated with level 1 in the Figure above, was the ministerial representative which on the part of the CARIFORUM, was headed by a Senior Minister Dame Miller of Barbados. She was appointed as the Lead Spokesperson and was to be assisted by a ministerial troika

comprising representatives of St. Lucia, the Dominican Republic, and Belize (see Bernal 2004; ECDPM 2006b:4; European Commission 2004c:3; Lodge 2004); The second level of negotiations involved Principal Negotiators. The Director-General of the Caribbean Regional Negotiating Machinery (CRNM), Dr Richard Bernal was appointed as the Principal Negotiator for CARIFORUM region; whilst at the technical level (level 3 on the Figure 5 above), negotiations was to be conducted by members of an EPA College of Negotiators so established which consisted of experts drawn from regional institutions such as CRNM, the CARICOM Secretariat, Organisation of Eastern Caribbean States (OECS) Secretariat and academic institutions as well as from the private sector (ibid.). It was also agreed that the participation in all of the components of the negotiating structure would be opened to all CARIFORUM member states; “participation in all of the components of the negotiating structure is open to CARIFORUM member states” (ECDPM 2006b:2). See also (Lodge 2004:2).

On the part of the European Union, the European Commission was, as predetermined by articles 2, 3 (clauses 1 & 2), 205-207, 216-218 of the Treaty on the Functioning of European Union, to negotiate on behalf of the European Community (see European Union 2010). The Commissioner for Trade represented the EU at Ministerial level, a Senior Official from Directorate Generals for Trade represented at the level of Principal Negotiators whilst experts were drawn from Directorate General for Trade and other Directorate Generals for the technical level negotiations (see ECDPM 2006b; European Commission 2004c:3; Lodge 2004:2).

In addition to the three levels of negotiation structures outlined above, the European Union and Caribbean Forum also agreed to create a “Regional Preparatory Task Force (RPTF)” whose duty it was “to cement the strategic link between EPA negotiations and development cooperation” (European Commission 2004c:4). The RPTF consisted of “representatives of regional and national authorising officers, regional secretariats, universities and institutions and non-state actors and a CARIFORUM Member of the ACP Development Finance Committee” on the part of the CARIFORUM and “officials from DG Trade, DG Development, AIDCO (*EuropeAid*) and an EU Delegation based in the Caribbean” on the part of the European Union (European Commission 2004c:4, emphasis added). Although not an

official structure of the EPA negotiation, the RPTF provided a much needed political forum for consultation on development cooperation and its link to the EPA negotiation and processes. A brief overview of the topics that were the subject of negotiations is conducted next in this section.

### **Topics Covered in the EU-CARIFORUM EPA Negotiations**

Among the issues of negotiation between the European Union and the Caribbean Forum were: market access for trade in goods; the transition period to liberalisation under the EPA; trade in services; rules on investment; trade-related issues; and legal and institutional arrangements (ECDPM 2006b:3-4). The full EU-CARIFORUM EPA includes “WTO-compatible trade in goods, trade in services, rules on trade-related issues, as well as development cooperation” (European Commission 2007c). Without going into detailed discussions, Box 5 below identifies the topics and issues covered in the EU-CARIFORUM EPA negotiations.

#### **Box 5: Issues Covered in the EU-CARIFORUM EPA negotiations**

The EU-CARIFORUM EPA Negotiations covered topics such as;

##### **General EU-CARIFORUM EPA Negotiation Issues**

Objectives and Principles of Economic Partnership Agreements  
EPA and Sustainable Development  
EPA and Regional Integration  
EPA and Development Cooperation

##### **EU-CARIFORUM Trade in Goods**

- Customs Duties
- Trade Defence Instruments
- Non-Tariff Measures
- Customs and Trade Facilitation
- Agriculture and Fisheries
- Technical Barriers to Trade
- Sanitary and Phytosanitary Issues

##### **EU-CARIFORUM Investment and Trade in Services & E-Commerce**

- Commercial Presence
- Cross-Border Supply of Services
- Temporary Presence of Natural Persons for Business Purpose
- Regulatory Framework
- Computer Services

- Courier Services
- Telecommunication Services
- Financial Services
- International Maritime Transport Services
- Tourism Services
- Electronic Commerce
- Cooperation

#### Current Payments and Capital Movement

- Flexibility in currency conversion for payments
- Free capital movements
- Safeguard measures on free exchange rate & free capital movements

#### EU-CARIFORUM Trade-related Issues

- Competition policy
- Innovation and Intellectual Property
- Intellectual Property
- Public Procurement
- Environmental Policy
- Social Aspects of EPA (provision for social protection and right to regulate base on national/regional interest)
- Protection of Personal Data

#### EU-CARIFORUM Trade Dispute Avoidance and Settlement

- Consultations and Mediation
- Dispute Settlement Procedures
- Arbitration Procedure

#### EU-CARIFORUM EPA Institutional Arrangements

- Joint CARIFORUM-EC Council
- CARIFORUM-EC Trade and Development Committee
- CARIFORUM-EC Parliamentary Committee
- CARIFORUM-EC Consultative Committee

**Source:** Compilation based on European Union & CARIFORUM EPA Documents

In the following section, the recent situation prior to the completion of this research regarding the EU-CARIFORUM EPA is highlighted.

### **State of Play of EU-CARIFORUM EPA Negotiations**

The EU-CARIFORUM EPA was signed in December 2007 and ratified on 15<sup>th</sup> October 2008 (see CARIFORUM-European Community 2008). By the time of completing this study, the Caribbean region was the only region that had signed full



and comprehensive EPA with the EU as originally envisaged (Silva 2014:5). This EPA has provisions ranging from trade in goods liberalisation, progressive tariff liberalisation, market access, provisions on agriculture and fisheries as well as trade in service and trade-related issues (CARIFORUM-European Community 2008). The agreement also has provisions on cultural industries and movement of natural persons (Mode Four) for service delivery as well as rule on investments.<sup>37</sup>

According to a report on the first five years of implementing CARIFORUM-EU EPA, both Members States of the Caribbean bloc and the European Union are currently at different stages of implementation of the EPA (Silva 2014; Singh et al. 2014a). As can be seen from table 11 below, 7 out of 15 CARIFORUM countries have ratified it while 16 out of 28 EU Member States have ratified it. Haiti, the only Least Developed Country (LDC) in the region has not ratified the EPA (although the country has joined) and is currently trading under Everything But Arms (EBA) regime of the EU (Singh et al. 2014a:8). It is reported that some of the CARIFORUM States such as Antigua and Barbuda, Dominican Republic and Suriname have legal systems that do not allow the provisional application of international treaty such as the EPA as has been applied in the case of the CARIFORUM-EU EPA without Parliamentary approval (see *ibid.*). This situation has created a legal conundrum in the region pending resolution before ratification is concluded (see Van Genderen-Naar 2012:7-8).

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<sup>37</sup> Although not officially ratified by all the Caribbean and the European parties, the EU-CARIFORUM EPA entered into force provisionally since it was published in the EU Official Journal on 29 December 2008. See the full text at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:289:0003:1955:EN:PDF>, accessed in September 2012

**Table 11: CARIFORUM-EU EPA Ratification (as at August 2014)**

CARIFORUM States	EU Member States
<ol style="list-style-type: none"> <li>1. Dominican Republic – 29 October 2008</li> <li>2. Antigua and Barbuda – 19 December 2008</li> <li>3. Dominica – 30 October 2009</li> <li>4. Belize – 31 May 2011</li> <li>5. Guyana – 14 June 2012</li> <li>6. Saint Lucia – 25 September 2012</li> <li>7. St Vincent and the Grenadines – 22 November 2012</li> </ol>	<ol style="list-style-type: none"> <li>1. United Kingdom – 25 January 2010</li> <li>2. Sweden – 29 January 2010</li> <li>3. Spain – 11 March 2010</li> <li>4. Slovakia – 13 April 2010</li> <li>5. Malta – 7 May 2010</li> <li>6. Denmark – 21 September 2011</li> <li>7. Greece – 29 December 2011</li> <li>8. Finland – 25 November 2011</li> <li>9. Italy – 25 January 2012</li> <li>10. Lithuania – 26 January 2012</li> <li>11. Bulgaria – 2 August 2012</li> <li>12. France – 4 March 2013</li> <li>13. Netherlands – 12 April 2013</li> <li>14. Portugal – 8 July 2013</li> <li>15. Belgium – 30 April 2014</li> <li>16. Cyprus – 27 March 2014</li> </ol>

**Source:** Singh et al. (2014a:8)

The operations of CARIFORUM-EU EPA joint institutions, after initial challenges, have been established and are functional. That is to say, all five joint institutions envisaged under the bi-regional EPA, namely, a Special Committee on Customs Cooperation and Trade Facilitation (article 36), a Joint CARIFORUM-EC-Council (article 227), Joint CARIFORUM-EC Trade and Development Committee (article 230), a joint CARIFORUM—EC Parliamentary Committee (article 231) and CARIFORUM-EC Consultative Committee (article 232) have all been constituted (European Union 2008a). Five years after signing the FTA, there remain some implementation and operational challenges due to lack of capacity and the needed national legislation with some detrimental effect on the momentum of regional integration efforts in the region (see CARICOM Secretariat 2015; Joint CARIFORUM-European Union Council 2015; Silva 2014; Van Genderen-Naar 2012).

To conclude this section, five years after signing the agreement, the CARIFORUM-EU EPA is still under provisional application based on article 243 (3) which stipulates the allowance for provisional application pending ratification processes. The requirements for the EPA to come into permanent effect according to

article 243 (par. 1 and 2) have not been fulfilled in both the EU and in CARIFORUM. That article states that;

“(1) This Agreement shall enter into force the first day of the month following that in which the *Parties* have notified each other of the completion of the procedures necessary for this purpose. (2) Notifications shall be sent to the Secretary General of the Council of the European Union, who shall be the depository of this Agreement” (emphasis mine).

It is thus expected that *all* the countries being signatories of the agreement shall ratify it in their national Parliaments before the process could be seen as *completed* for the permanent implementation of the EPA to be effected. That means, as not all Member States in both regions have signed the agreement and especially due to the legal complications as mentioned above concerning the national legislations in Antigua and Barbuda, Dominican Republic and Suriname, there may be some more time to wait until the official and permanent implementation of the agreement.

## **5.6. Conclusion**

This chapter has tried to introduce the CARIFORUM regional economic bloc, expounding on its characteristics and how the EPA negotiations were conducted. The chapter has also discussed the state of integration in the region, traced the EPA negotiation structures, processes and the EPA current state of affairs. The aim has been to provide a background and rationale for which reasons the Caribbean region could be seen to have had better alternative to the proposed EPA, provide background to the possible reasons for which the Caribbean Forum would pursue a particular kind of negotiation strategy in its EPA negotiations with the EU, as well as providing background as to why the need for linking development aid to the EPA would be crucial to the region's eventual signing of the EPA with the EU.

Having laid out this background, the analytical Chapter (7) of this thesis goes on to evaluate the roles of the three identified Independent Variables in answering the question regarding the conditions under which bi-regional trade negotiations conclude, and when they do not. It will then go on to explain the factors behind the CARIFORUM's rather fast conclusion of the EPA with the EU against the initial contentious backdrop with which the negotiation started, and also with reference to other ACP regions whose negotiations have still not concluded.

## **Chapter 6: Empirical Case Study II: Introducing Economic Community of West African States as Regional Economic Community**

This chapter is dedicated to introducing the Economic Community of West African States (ECOWAS), and its political, social and economic development contexts. It then discusses the state of regional integrations and the EPA negotiation structures and processes with the EU. These relevant characteristics, structures, actors and processes involved in the EU-ECOWAS negotiations are identified and discussed. The discussion in this chapter is carried out with the aim of providing understanding and the rationalisation of the EPA negotiation behaviour and preferences of the ECOWAS region. This is mainly in connection with the three hypotheses tested in the study. The information in this chapter is thus to help in understanding why the West Africa region might be seen to have, or not have, a better alternative to the proposed EPA; and help to understanding the region's negotiation strategies and tactics during the EPA negotiations with the EU, as well as understanding why the region would be seen in placing emphasis on obtaining “additional” development aid from the EU in order to sign the proposed EPA with the EU.

It begins with a brief introduction of ECOWAS and then indicates the political context, the economic and development conditions, the state of regional integration and the EPA negotiation structures and processes applied during the negotiations.

### **6.1. Introducing the Economic Community of West African States**

The Economic Community of West African States (ECOWAS) is a Regional Economic Community (REC) consisting of fifteen (15) West African countries, established on 28 May 1975 in the “Treaty of Lagos” among other things for the promotion of economic and regional integration among member states. The current membership of the Community includes Benin, Burkina Faso, Cabo Verde, Côte d’Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo (see Map of ECOWAS in Figure 6 below). Mauritania is not a member of the ECOWAS bloc but decided to join the 15-Member

Economic Community for the purposes of negotiating a joint Free Trade Agreement with the European Union.

**Figure 6: Map of ECOWAS**



**Source:** European Commission, Eurostat.<sup>38</sup>

According to the stated aims of Article 2 of the ECOWAS founding treaty;

“It shall be the aim of the Community to promote co-operation and development in all fields of economic activity, particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent” (article 2 (1), ECOWAS Heads of States and Governments 1975).

This provision in the founding treaty of the Economic Community was maintained in a 1993 revised and currently operational Treaty of the Community. The pursuance of the promotion of cooperation in all fields of economic activity brought about the establishment of ECOWAS Trade Liberalization Scheme (ETLS) in 1979 that established Free Trade Area for the Community. Subsequently and more recently, ECOWAS Customs Union came into effect 1 January 2015 (ECDPM 2010c;

<sup>38</sup>See [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Ecowas\\_with\\_gambia.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Ecowas_with_gambia.png), accessed in June 2013.

ECOWAS Commission 1993; International Centre for Trade and Sustainable Development 2015). The ECOWAS community has thus since the '70s been pursuing progressive integration and harmonisation of several sectors and policies of their countries.

The 2014 estimated population of ECOWAS was about 300 million people on a land of about 5.1 million square kilometres as can be seen from the selected profile of ECOWAS demonstrated in table 12 below. Those characteristics of West Africa are in contrast to the about 505.7 million people of the European Union of 28 member states on the land area of about 4.4 million square kilometres (see European Commission 2015b). This statistics indicates the quantum of market size at play should the EPA negotiations result in the creation of a Free Trade Area between the two partners as is expected. That would be creating a combined market of over 800 million people. All other things being equal, that situation would be expected to attract investment and thereby boost bi-regional trade. In the following section, an overview is given regarding governance and political institutions and conditions of the ECOWAS regional bloc.

**Table 12: Selected Profiles of ECOWAS Countries + Mauritania**

<i><b>Country</b></i>	<i><b>Population (in million)</b></i>	<i><b>Land Area (in Sq. Km (km<sup>2</sup>))</b></i>	<i><b>Total GDP/ Per Capita ( in US Dollar)</b></i>
<b>1. Benin</b>	10,323,000 (2014 estimates) 9.4 million (UN, 2012)	112,622 km <sup>2</sup>	Total GDP \$ 8.307 billion / Per capita \$804.69 (2013)
<b>2. Burkina Faso</b>	17,322,79 (2014 estimates)	274,200 km <sup>2</sup>	Total GDP \$12,885 billion/ Per capita \$760.9 (2013)
<b>3. Cape Verde</b>	512,096 (2013 census)	4,033 km <sup>2</sup>	Total GDP \$1,880 billion/ Per Capita \$3,767.0 (2013)
<b>4. Côte d'Ivoire</b>	20.6 million (UN, 2012)	322,462 km <sup>2</sup>	Total GDP \$31.6 billion/ Per capita \$1,529 (2013)
<b>5. The Gambia</b>	1,882,450 (2013 Census)	10,689 km <sup>2</sup>	Total \$903.5 Million/ Per capita \$489 (2013)
<b>6. Ghana</b>	27 million (2014 Estimate)	238,533 km <sup>2</sup>	Total \$ 48.14 billion/ Per Capita 1,858.24

	25.5 million (UN, 2012)		(2013)
<b>7. Guinea</b>	10,628,972 (2014 census) 10.5 million (UN, 2012)	245,836 km <sup>2</sup>	Total \$6.144 billion/ Per capita \$523.12 (2013)
<b>8. Guinea Bissau</b>	1,647,000 (UN 2012)	36,125 km <sup>2</sup>	Total \$960.8 million/ Per capita \$564 (2013)
<b>9. Liberia</b>	4,092,310 (2014 estimate) 3,476,608 (2008 census)	111,369 km <sup>2</sup>	Total \$1.951 billion / Per capita \$454.3 (2013)
<b>10. Mali</b>	16.3 million (UN, 2012)	1,240,192 km <sup>2</sup>	Total \$10.95 billion/ Per capita \$715 (2013)
<b>11. Niger</b>	17,138,707 (2012 census)	1,267,000 km <sup>2</sup>	Total \$7.407 billion/ Per capita \$415.4
<b>12. Nigeria</b>	174,507,539 9 (2013 estimate) 166.6 million (UN, 2012)	923,768 km <sup>2</sup>	Total \$521.8 billion / Per capita \$ 3,006 (2013)
<b>13. Senegal</b>	13,508,715 (2013 census)	196,712 km <sup>2</sup>	Total \$14.79 billion/ Per capita \$1, 047 (2013)
<b>14. Sierra Leone</b>	6,190,280 (2013 estimate) 6.1 million (UN, 2012)	71,740 km <sup>2</sup>	Total \$4.136 billion/ Per capita \$679.0 (2013)
<b>15. Togo</b>	7,154,237 (2013 estimate) 6.3 million (UN, 2012)	56,785 km <sup>2</sup>	Total \$4.339 billion/ Per capita \$636 (2013)
<b>16. Mauritania*</b>	3.890 million ( 2013)	1,030,700 km <sup>2</sup>	Total \$4,158 billion/ Per capita \$ 1,069 (2013)

**Source:** Compiled from ECOWAS Commission, World Bank & UNECA, 2014. \* Mauritania is currently not a member of ECOWAS but is a party to EPA negotiations between West Africa and the European Union.

## 6.2. Political and Institutional Contexts

In order to understand the decision-making procedures within which an EPA agreement may, or may not, be signed, the political and institutional systems in place within ECOWAS is briefly described in this section. The governance and political leadership structure of ECOWAS as a Regional Economic Community is outlined in Chapter 3 of the Community's Revised Treaty of 1993 in its articles 6 and 7

(ECOWAS Commission 1993). Article 6(1) of the Revised Treaty outlines the composition of ECOWAS institutions. They include;

- a) the Authority of Heads of State and Government;
- b) the Council of Ministers;
- c) the Community Parliament;
- d) the Economic and Social Council;
- e) the Community Court of Justice;
- f) the Executive Secretariat;
- g) the Fund for Co-operation, Compensation and Development;
- h) Specialised Technical Commissions; and
- i) Any other institutions that may be established by the Authority.

At the highest level of decision making is thus the Authority of Heads of States and Government which is mandated to “give general direction and control of the Community and shall take all measures to ensure its progressive development and the realisation of its objectives” (Article 7 (2)). Among other specific functions, the Authority of Heads of State and Government “determine the general policy and major guidelines of the Community, give directives, harmonise and co-ordinate the economic, scientific, technical, cultural and social policies of Member States; and oversee the functioning of Community institutions and follow-up implementation of Community objectives” (Article 7 (3a and b)).<sup>39</sup>

Next to the Authority of Heads of State and Government of Member States is the Council of Ministers (in charge of ECOWAS Affairs). This Council of Ministers drawn from members states are “responsible for the functioning and development of the Community” and make specific recommendations for the attainment of Community objectives for the consideration and approval of the Authority of Heads of State and Government.

For the purpose of creating a Community platform for dialogue and deliberation by representatives of the people in the West African regional community, a Community Parliament was established in the 1993 Revised Treaty of ECOWAS and by a protocol of the Authority of Heads of State and Government

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<sup>39</sup> For further details of the functions of the Authority of Heads of State and Government of Member States, see Article 7 (c to i) of the Revised Treaty of 1993.



(Protocol A/P.2/8/94 Relating to the Community Parliament) on 6 August 1994 as one of the main institutions of the Community. It consists of 120 seats and became operational in 2002. According to the protocol, the Parliament is “a forum for dialogue, consultation, and consensus for the representatives of the peoples of the Community with a view to promoting integration” (ibid.). It is important to highlight here that unlike its EU counterpart, by the protocol spelling its functions, the ECOWAS regional parliament is not expected to play any role in the signing and ratification of the EPA should the negotiations conclude. It is only the national parliaments that are expected to ratify the agreements.

Furthermore as seen above, there is an Economic and Social Council as part of the ECOWAS Community institutions for advisory role to the Council of Ministers of various categories of economic and social activity; and an ECOWAS Community Court of Justice which adjudicates on Community laws and settles litigations among Member States, the institutions of the Community and on individuals and corporate bodies.

Finally, the ECOWAS Treaties established the Executive Secretariat (which was transformed into ECOWAS Commission in 2007) for day to day administration of ECOWAS at the regional level (see articles 17, 18 & 19 of 1993 Revised Treaty). The ECOWAS Commission is headed by a President who is supported by two Vice Presidents and 13 Commissioners. As indicated further below in section 6.5, the ECOWAS Commission is a key player in the region’s EPA negotiation with the EU.

### ***The French and English Speaking Regional Bodies***

As it is the phenomena with many regional communities in Africa, two parallel configurations of regional economic integration bodies exist within ECOWAS; The West Africa Economic and Monetary Union (WAEMU), or “Union Economique et Monétaire Ouest Africaine” (EUMOA) in French – established in 1994 for the economic and monetary integration of the French-speaking member states that uses the “Communauté financière d’Afrique” (CFA Franc),<sup>40</sup> and the six-member, mostly English speaking countries constituting the West African Monetary

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<sup>40</sup>The EUMOA countries include; Benin, Burkina Faso, Côte d’Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo.

Zone (WAMZ), which was established in 2000 with the aim of introducing one currency, the ECO, in 2015.<sup>41</sup> The overall regional goal is to merge these two monetary unions into a single currency union in the future under ECOWAS. With regards to the EPA negotiations, these two regional bodies are all negotiating under one ECOWAS. With the overview of the ECOWAS regional level political and institutional systems within which EPA negotiations and decision-making take place described above, the next section equally briefly contextualises the economic and social development issues within which the EPA negotiations have been taking place in ECOWAS.

### **6.3. Social and Economic Development Contexts**

For decades, ECOWAS countries and the region as a whole have wallowed in poverty and underdevelopment scoring low on virtually all major economic and social as well as political development indicators. The period leading to the commencement of the negotiations of the EPA and during the period of negotiations, the situation in the region has not seen major transformation even though there have been some positive trends of economic growth. It will take much longer for the region to experience true “economic emancipation”. Between 2004 and 2010, apart from Cape Verde, all the economies in West African countries had a GNI per capita of below US\$ 1,000 with 5 out of the 15 poorest countries in the world based on GNI per capita, existing in the region (Guinea-Bissau, Liberia, Mali, Niger and Sierra Leone) (see Busse et al. 2004:10; ECOWAS Commission 2010:5).

Evaluating the ECOWAS region on the basis of the UNDP’s integrated Human Development Index (HDI) tells a similar story of underdevelopment. The region is entangled in a conundrum of low life expectancy rates, high poverty, infant mortality and high illiteracy rates. As can be seen from the table 13 below, between 1993 and the year 2000, 49 percent of the population in West Africa lived under US\$1.00 a day in real terms (see also Busse et al. 2004:11). Fast forward to 2015, the year the popular UN-backed Millennium Development Goals were to be achieved; the region in totality made some progress but there still remained a huge hurdle to overcoming extreme poverty;

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<sup>41</sup>The membership of the WAMZ include; Gambia, Guinea, Ghana, Nigeria, Liberia and Sierra Leone.

“the proportion of people living on less than US\$1.25 a day in Southern, East, Central and West Africa as a group decreased from 56.5 percent in 1990 to 48.5 percent in 2010” (UNECA 2013a; UNECA et al. 2014:1, 12).

Even though it was forecasted that the population living under less than US\$1.25 a day will decline from 48.5 in 2010 to 42.3 by 2015 (UNECA et al. 2013:9). Nevertheless, 42.3% of West African citizens living under harsh poverty condition is still very huge a number of people.

**Table 13: Economic and Social Development Indicators of ECOWAS Countries + Mauritania, 2004**

Country	HDI value 2001	Population mid-year (Mill.) 2002	GNI per capita (US\$) 2002	Poverty <sup>1</sup> (%) 1993 - 2000	Life expect. at birth (years) 2001	Infant mortality (per 1000) 2001	Illiteracy Rate <sup>2</sup> (%) 2002
Benin	0.411	6.6	380	-	50.9	94	60
Burkina Faso	0.330	11.8	250	61	45.8	104	74
Cape Verde	0.727	0.5	1,250	-	69.7	29	24
Côte d'Ivoire	0.396	16.5	610	12	41.7	102	49
Gambia	0.463	1.4	270	59	53.7	91	61
Ghana	0.567	20.3	270	45	57.7	57	26
Guinea	0.425	7.7	410	-	48.5	109	-
Guinea-Bissau	0.373	1.4	150	-	45.0	130	59
Liberia	-	3.3	140	-	47.0	157	44
Mali	0.337	11.4	240	73	48.4	141	73
Mauritania	0.454	2.8	280	29	51.9	120	59
Niger	0.292	11.4	170	61	45.6	156	83
Nigeria	0.463	132.8	300	70	51.8	110	33
Senegal	0.430	9.8	460	26	52.3	79	61
Sierra Leone	0.275	5.2	140	57	34.5	182	-
Togo	0.501	4.8	270	-	50.3	79	40
Averag <sup>3</sup>	0.430		314	49	49.7	109	53

**Sources:** World Bank (2004), UNDP (2003) cited in Busse et al. (2004:11). Notes:

<sup>1</sup>Percentage of population living under US\$ 1 a day

<sup>2</sup>Percentage of population 15 years of age and above that is illiterate.

<sup>3</sup>Unweighted averages, except GNI per capita, which is weighted by the population

The goal of *halving* extreme poverty by 2015 was impossible to achieve in West Africa and even if it were so achieved, there would remain a second half of the people still to be alleviated from extreme poverty.

According to the 2014 Human Development Report, the ECOWAS sub-region host majority of the world's poorest countries. Apart from Cape Verde and Ghana, which are classified as "medium" on the human development index from the year 1980 to 2013, all the remaining ECOWAS countries are classified as having a "low" human development (ECOWAS Commission 2010; UNDP 2014:164-167; UNECA 2013b:7).

Again it is emphasised here that, these economic and social development indicators are discussed in this chapter because they provide the context to understanding the rationale behind some of the EPA negotiation position of ECOWAS. For instance, from this background, it is understandable as to why the region has been demanding "additional" financial resource from the EU before agreeing to the proposed EPA. This background provides evidence in support of the assumption tested in hypothesis II as to how the effective linkage of development aid to the EPA negotiation could lead to the negotiation conclusion or otherwise.

#### **ECOWAS' Gross Domestic Product (GDP) and other economic indicators**

Paradoxically, and on a relatively positive note, while the ECOWAS sub-region has been performing marginally on some development and social indicators in the last decade, the region's economic growth has seen some growth. The sub-region has seen an increase in its combined GDP from \$261.761 billion in 2007 to about US\$734.8 billion in 2010 covering mainly agriculture, natural resources, transportation, limited industrialisation, telecommunications, energy, commerce, monetary and financial services (ECOWAS Commission, 2010). Between 2005 and 2015, ECOWAS as a region experienced an economic growth of over 5 percent annually according to UNECA (2013a, 2013b). This has been happening while major parts of the world are actually experiencing a decline of economic growth and or stagnation due to the global economic downturn since 2008. ECOWAS' GDP growth

for 2014 was 6.1 and it is projected to be 7.1 percent in 2015 (ibid.). For an overview of the evolution of GDP growth in ECOWAS since 2008, see table 20 below).

**Table 14: ECOWAS' Real GDP Growth rate in percentages 2008-2012**

Country/Year	2008	2009	2010	2011	2012
<b>Benin</b>	5.6	2.7	2.6	3.5	<b>3.5</b>
<b>Burkina Faso</b>	7.9	3.0	7.9	4.2	<b>8.0</b>
<b>Cape Verde</b>	6.1	4.0	5.6	5.1	<b>4.3</b>
<b>Côte d'Ivoire</b>	2.3	3.8	2.4	-4.7	<b>8.6</b>
<b>The Gambia</b>	6.1	4.6	5.5	3.3	<b>4.9</b>
<b>Ghana</b>	8.4	4.0	8.0	14.4	<b>7.1</b>
<b>Guinea</b>	4.9	-0.3	1.9	4.0	<b>4.8</b>
<b>Guinea Bissau</b>	3.2	3.0	3.5	5.3	<b>2.5</b>
<b>Liberia</b>	3.5	3.6	3.7	6.9	<b>8.7</b>
<b>Mali</b>	5.0	4.5	5.8	2.7	<b>-1.5</b>
<b>Niger</b>	9.6	-0.7	8.0	2.1	<b>11.6</b>
<b>Nigeria</b>	6.0	6.7	8.0	7.4	<b>6.0</b>
<b>Senegal</b>	3.7	2.1	4.1	2.6	<b>3.7</b>
<b>Sierra Leone</b>	4.0	3.2	5.3	6.0.	<b>18.2</b>
<b>Togo</b>	2.4	3.4	4.0	4.9	<b>5.0</b>
<b>WAEMU</b>	4.6	2.8	4.4	0.8	<b>6.0</b>
<b>ECOWAS</b>	<b>5.6</b>	<b>5.5</b>	<b>7.0</b>	<b>6.1</b>	<b>6.0</b>

*Source:* UNECA (2013b:30)

The majority of ECOWAS countries are considered as “Least Developed Countries” (LDCs) with the exception of Ghana, Nigeria, Cote d’Ivoire and the island of Cape Verde (see ECOWAS Commission 2010; Nielsen 2011; UN 2012; United Nations 2016). As already explained above, the region having many LDCs means it is mainly consisting of poorest countries in line with the definition of UN. Consistent with that characterisation of West Africa, the region is reported to be the “least industrialized region in Africa in terms of the ratio of manufacturing to GDP” (UNCTAD 2013:38) and the fact that agriculture is the region’s largest sector and provides employment for 60 percent of the region's active population, who are mostly engaged in the primary and traditional agriculture (ECOWAS Commission 2010:5).

Unsurprisingly, therefore, for decades, ECOWAS’ share of global trade has staggered in decimal numbers and has actually been declining as can be seen from

the table (15 below). It obtained a 1.2% share of global export in the period 1970-79 and 0.9 between 1980-90, for the subsequent two decades (1990-99 and 2000-2010), ECOWAS' share of global export value was 0.5 and 0.6 respectively (UNCTAD 2013:12) The subregion's share of global import is not better either. It obtained a 1.0% share of global import trade in the 1970s, 0.8% in the 1980s and 0.4% in the next two decade leading to 2010 (ibid.). For an additional general impression of West Africa's global trade performance, see a ten-year world international trade profile indicated in Appendix 6.

**Table 15: ECOWAS Share of Global trade (Export & Import) from 1970-2010 in comparison with other regions in the world**

	Exports (percentage of global exports)				Imports (percentage of global imports)			
	1970 – 1979	1980 – 1989	1990 – 1999	2000 – 2010	1970 – 1979	1980 – 1989	1990 – 1999	2000 – 2010
<i>By regional group:</i>								
APEC	30.8	36.2	44.4	45.4	31.6	37.3	45.1	47.4
ASEAN	2.6	3.7	5.7	6.4	2.7	3.6	5.8	5.6
MERCOSUR	1.5	1.6	1.4	1.5	1.7	1.2	1.4	1.2
<b>EU</b>	<b>44.9</b>	<b>41.8</b>	<b>42.2</b>	<b>38.4</b>	<b>47.0</b>	<b>42.1</b>	<b>41.4</b>	<b>38.1</b>
<i>By African REC:</i>								
AMU	1.5	1.3	0.7	0.9	1.1	1.0	0.6	0.6
CEN-SAD	2.7	1.9	1.0	1.3	2.3	2.1	1.2	1.2
COMESA	0.2	0.1	0.1	0.1	1.2	1.3	0.7	0.6
EAC	0.4	0.4	0.3	0.4	0.2	0.2	0.1	0.1
ECCAS	1.9	1.2	1.2	1.8	0.3	0.3	0.2	0.2
<b>ECOWAS</b>	<b>1.2</b>	<b>0.9</b>	<b>0.5</b>	<b>0.6</b>	<b>1.0</b>	<b>0.8</b>	<b>0.4</b>	<b>0.4</b>
IGAD	0.2	0.1	0.1	0.1	0.3	0.2	0.1	0.2
SADC	1.6	1.4	0.9	1.0	1.3	1.2	0.9	0.9

**Source:** Adapted from UNCTAD (2013:12)

In all of ECOWAS' abysmal global trade, the EU is and has been the main trading partner of the region, followed by China which overtook the United States as the second major trading partner of the sub-region in 2009 (OECD 2011). The EU, China, and the US are thus the region's top three trading partners (European

Commission 2014f:9). In the sub-section below, a detailed discussion of what goes into ECOWAS trade with EU is conducted.

### **ECOWAS-EU Trade in Goods Indicators**

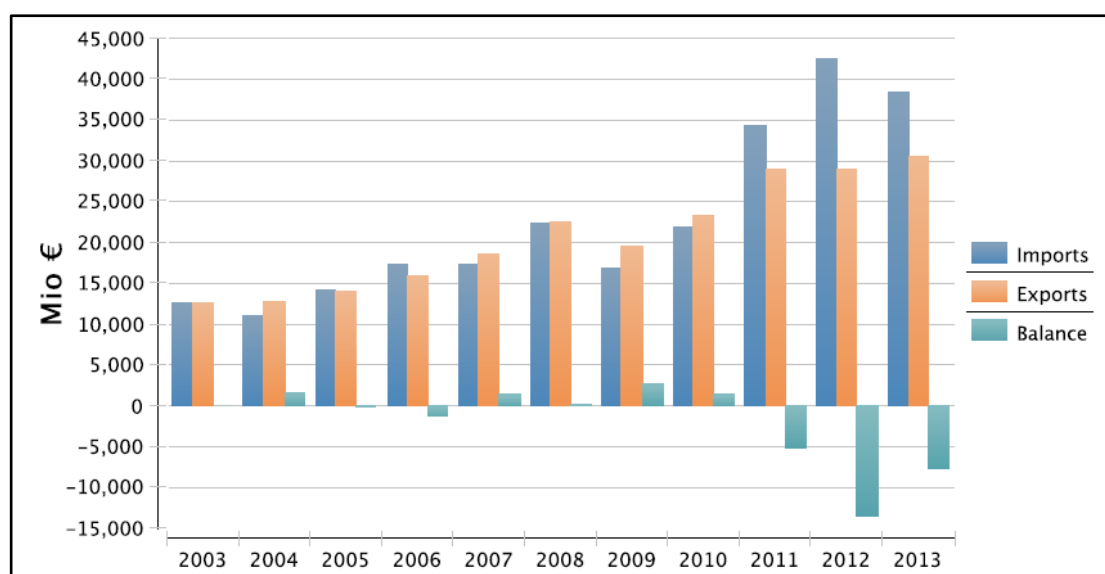
In addition to briefly indicating in the introductory chapter (section 1.3) that ECOWAS is the most prominent trading partner of the EU among the ACP Group, here it is worthwhile to specify what really goes into the trading exchanges between the two partners. In terms of what goes into ECOWAS-EU trading interactions, while the West Africa region exports mostly crude oil and agricultural products to the EU, it imports manufactured goods, petroleum and petroleum products, machinery and transport equipment as well as chemicals and food.

The import/export trade between the two regions constituted about 1.5% of the total extra-EU-27 exports and imports in 2010 (European Commission 2011d, 2014b). This increased to 2.0% in 2013. Nigeria is by far the biggest economy in ECOWAS controlling over 65% of the region's export to the EU. Besides, ECOWAS account for 18% of EU's total export to Africa – 9% of which is taken by Nigeria while Ghana, Senegal, Cote d'Ivoire and Benin all take between 1-2% of the total.

As stated earlier, while ECOWAS account for about 40% of all EU trade with the ACP Group, Nigeria, Ghana, Ivory Coast are the three most important trading countries for EU within ECOWAS, as they account for about 80% of ECOWAS' exports to the EU market (European Commission 2014f). It would thus be important to see how these countries would seek to shape the West Africa regional preference in the EPA negotiations.

In the period leading to the commencement of and during the EPA negotiations, ECOWAS trade with EU was increasing except in 2009 when the global financial and budgetary crisis affected trade as demonstrated by the Figure 14 below.

**Figure 7: EU Trade in Goods with ECOWAS, Annual Data 2004 - 2013**



**Source:** European Commission (2014f)

It is observed in the Figure (7 above) that the annual increase in trade has been increasing since 2010 with the EU incurring trade deficit against ECOWAS (except in the years between 2000 and 2010 when EU mostly had trade surplus against ECOWAS).<sup>42</sup>

### **ECOWAS-EU Trade in Services Indicators**

Finally on EU-ECOWAS trade relations, in addition to the trade in goods discussed above, there is also the aspect of trade in service, alas not very prominent as compared to trade in goods. Available data demonstrate that the EU has a surplus on the aspect of trade in service with the West African region as can be seen from table 16 below.

<sup>42</sup>It is further seen from the Figure that in 2012, EU's imports from ECOWAS amounted to 42.4 billion Euros while its export to the ECOWAS amounted to 28.9 billion euros- thus creating a trade in goods deficit of about 13.6 billion euros. This was largely due to high prices of commodities such as a hike in oil price. In 2013, EU imports from ECOWAS reduced from 42.4 to 38.3 billion euros while witnessing a slight increase in export to 29.7 billion euros. EU incurred a decreasing deficit of 8.7 billion euros. The trend of increasing EU export while decreasing import to and from ECOWAS respectively was replicated in 2014. It is observed that the Union of 28 Members export to West Africa increased from 29.7 to 31.2 billion euros in 2014 whereas import decreased from 38.3 to 37.0 billion euros – thus achieving a decreased EU's deficit of 5.9 billion euros.



**Table 16: EU-27/28 trade in services with ECOWAS countries (EUR million)  
2007-2009**

	2007			2008			2009		
	Credit	Debit	Net	Credit	Debit	Net	Credit	Debit	Net
<b>ECOWAS</b>	<b>7 783</b>	<b>4 655</b>	<b>3 128</b>	<b>7 802</b>	<b>5 053</b>	<b>2 749</b>	<b>6 893</b>	<b>4 933</b>	<b>1 960</b>
Benin	164	122	42	198	133	65	176	127	49
Burkina Faso	135	132	4	163	139	23	206	138	68
Cape Verde	117	147	-30	132	193	-62	116	142	-27
Gambia	55	63	-8	49	83	-33	30	66	-35
Ghana	498	403	96	622	396	228	671	447	225
Guinea	165	89	77	215	86	129	176	90	85
Guinea-Bissau	28	16	12	29	26	3	18	17	1
Côte d'Ivoire	593	281	311	791	353	437	607	333	276
Liberia	417	769	-352	416	782	-367	307	588	-281
Mali	236	205	31	266	111	155	413	146	268
Niger	239	60	180	206	75	131	167	93	73
Nigeria	4 267	1 706	2 560	4 633	1 911	2 722	4 073	1 994	2 079
Senegal	671	542	128	727	602	124	624	570	54
Sierra Leone	78	45	33	-792	61	-853	-830	80	-910
Togo	120	75	47	147	102	44	139	102	37

**Source: Mavraganis (2012:6)**

Eurostat (Balance of payments; online data code: [bop\\_its\\_tot](#)). *Note: Credits* are payments made to the EU-27/28; *Debits* are payments made by the EU-27/28.

It is seen from the table that in 2007 EU obtained a total credit of about 7.8 billion euros from trade in service with the West African economic bloc while paying about 4.7 billion euros to ECOWAS as a debit. This left the EU with a trade in services surplus of over 3 billion euros. In 2008 and 2009, EU obtained credits of 7.8 billion and 6.9 billion euros respectively whereas ECOWAS obtained a credit of about 5 billion in 2008 and 4.9 billion in 2009. In 2008 and 2009, although there was a sustained net reduction, the EU still obtained surpluses in trade in service with ECOWAS (of about 2,749 and 1,960 billion euros respectively).

At the individual national level it is seen from Table 16 above that Nigeria stands out very clearly as far as EU trade in service with ECOWAS is concerned. Member States of the EU's total trade in service with Nigeria amounted to about 4.3 billion Euros in 2007, 4.6 billion euros in 2008 and 4.1 billion euros in 2009. Comparing the debits for the same period show substantial trade in service surpluses were obtained by the EU. Namely, about 2.5 billion euros in 2007, 2.7 billion euros in 2008 and 2.1 billion euros in 2009.

On account of the high trade in services deficit of West Africa, it is important to look out for how that plays out in the EPA negotiations which are to include reciprocal market access in both trades in services and in goods. Throughout the negotiation processes, it has been obvious ECOWAS has been defensive and protective of its services market by asking for it to be excluded in the EPA (see European Commission 2009a:5).

Having described the political and institutional situation of ECOWAS and the sub-region's economic and social situation as well as EU-ECOWAS trade statistics, the next section gives an overview of the sub-region's trajectory of regional integration.

#### **6.4. State of Regional Integration in ECOWAS**

This section aims to present an overview of the regional integration situation of West Africa. It is considered important to highlight because the level of integration and the nature of regional institutionalisation will provide the background to understanding the efficiency of ECOWAS regional decision-making structures that have an influence on the region's participation in the EPA negotiations as well as preferences.

To begin with, the most recent milestone of ECOWAS' regional integration effort is that it has become a Customs Union since 1 January 2015. The realisation of that aim was long overdue. The journey to a more integrated ECOWAS began about 40 years ago in 1975. While many milestones have been chalked, there have been and there are still many obstacles to the realisation of moving the economic community from "an ECOWAS of States" to "an ECOWAS of People" (ECOWAS Commission 2010, 2011a).

From the very founding of ECOWAS in 1975, it had the pursuance of regional integration in all economic activities that will lead to the progress and development of its people. Article 2 of that Treaty, stated that,

“It shall be the aim of the Community to promote co-operation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent”

The 1975 Treaty went further in article 2(2) to identify specific actions that the Member States would need to pursue in stages in order to make their integration vision a reality.<sup>43</sup> Nevertheless, due to several challenges and failure regarding the pursuance of some of those outlined goals and strategies, in 1993, ECOWAS Heads of State and Government championed a reform through the adoption of a Revised ECOWAS Treaty. The revised Treaty rephrased the aim of ECOWAS to focus on the future establishment of an Economic Union. Article 3 of the new Treaty states that;

“The aims of the Community are to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations-among Member States and contribute to the progress and development of the African Continent” article 3 (1) of 1993 revised Treaty.

The current long-term regional integration aim of ECOWAS is thus to establish an Economic Union and improving the living conditions of its people.

As a result of a further lack of progress in several aspects of the regional integration agenda, in 2010 a second renewed effort was “launched” in the framework of “ECOWAS Vision 2020” - a regional policy geared towards the creation of;

“...a borderless, peaceful, prosperous and cohesive region, built on good governance and where people have the capacity to access and harness its enormous resources through the creation of opportunities for sustainable

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<sup>43</sup>Among such actions to be taken in stages included; “the elimination of customs duties on imports and exports of goods among Member States; the abolition of quantitative and administrative restrictions on trade among the Member States; the establishment of a common customs tariff and a common commercial policy towards third countries; the abolition of obstacles to the free movement of persons, services and capital among Member States; the harmonisation of economic and industrial policies of the Member States and the harmonisation of monetary policies of the Member States” (see ECOWAS Heads of State and Government 1975).

development and environmental preservation” (ECOWAS Commission 2010:2).<sup>44</sup>

Meanwhile, before becoming a Custom Union and the recent reforms, ECOWAS had already undertaken some steps and have proposed several others that are still pending. A few of those relevant integration steps are identified below.

The ECOWAS region followed through its founding Treaty provision and established Preferential/Free Trade Area with the implementation of a 1979-ECOWAS Trade Liberalization Scheme for agricultural products. It took until 1990 however before the ECOWAS Trade Liberalization Scheme was extended from agricultural good to cover industrial products.

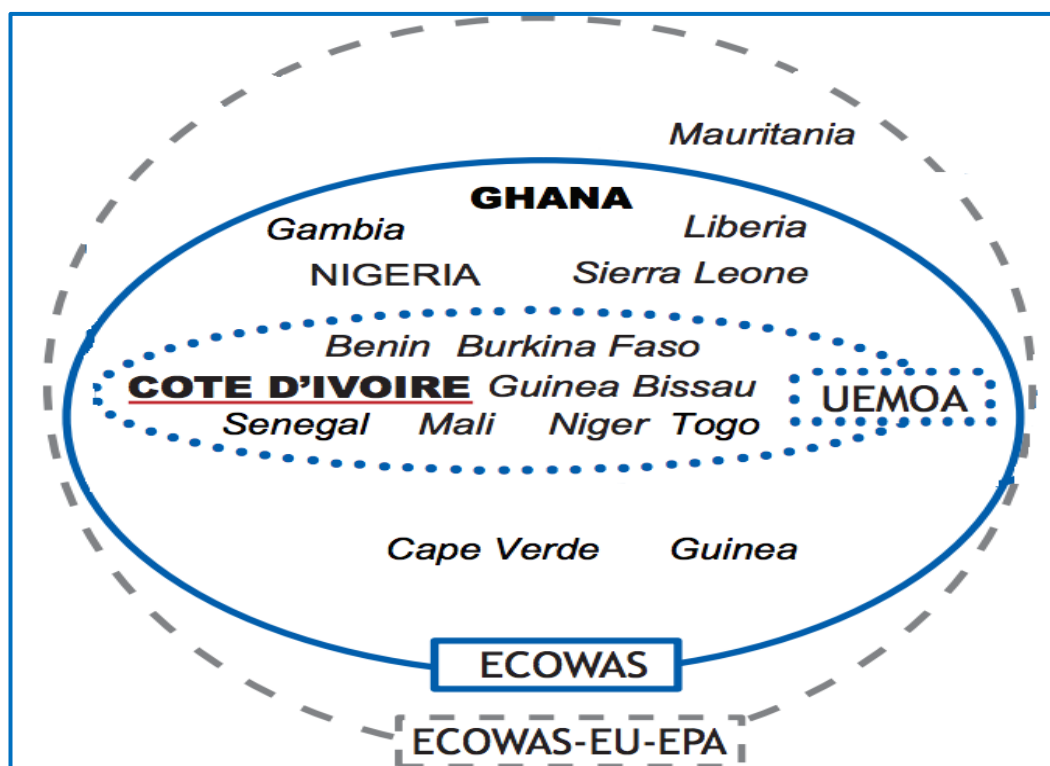
Subsequently, the ECOWAS region went on to establish a visa-free regime for citizens to move freely within the Member States in 1980 (see ECOWAS Heads of State and Government 1979); adopted and implemented ECOWAS Brown Card scheme – a regional transportation insurance scheme in 1982 and 1984 respectively.

Subsequently to the ECOWAS revised treaty, in pursuance of a common Monetary and Currency Union, two regional configurations as indicated earlier (under section 6.2) were set up as demonstrated in Figure 8 below. Namely, the West Africa Economic and Monetary Union (WAEMU/EUMOA) of 1994 and the West African Monetary Zone (WAMZ) founded in 2000. The aim is to join the two monetary groupings into a single currency community in by the year 2020.

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<sup>44</sup> For a detailed account of what is contained in the ECOWAS Vision 2020 policy, consult ECOWAS Commission 2010.

**Figure 8: Regional Integration Configurations in West Africa**



**Source:** Adapted from ECDPM (2010a:1). *Countries in bold initialled bilateral interim EPA with the EU*

In 1999, a review of trade liberalisation in ECOWAS and the realisation that progress was slow resulted in a decision by the Authority of Heads of States and Government to adopt “a fast-track approach to achieve the sub-region’s economic integration objective” (Ukaoha et al. 2013:2). They then decided to proclaim ECOWAS as a Free Trade Area (FTA) in 2000 and set a new date of 1 January 2001 for the sub-region to become a Customs Union. Even though that aim did not materialise as indicated above, since those days the Heads of States have been leading and calling for greater and quicker regional integration of the ECOWAS region.

Furthermore, to advance the integration of ECOWAS after the establishment of World Trade Organisation and its attended need for compliance with rules of trade, a new trade procedure for approving industrial products for free circulation in ECOWAS was approved in April 2002 (see ECOWAS Heads of State and Government 2003).

What is again relevant to point out regards the formulation of ECOWAS regional level Common External Tariff (CET) that would determine the tariffs to be applied to third parties that do trade with the region. Deciding on that all-important regional policy took several postponements of deadlines due to disagreements – postponements that seem to have contributed negatively to the EPA negotiations. After the Members States failed to meet an earlier deadline to establish the CET, the ECOWAS Heads of State reiterated a call for it in January 2006 granting the Member States two years to comply with it (ECOWAS Commission 2006). However, there continued to be disagreements over it especially led by Nigeria's opposition (see Ukaoha et al. 2013). Eventually, after several proposals and counter proposals, it took another political decision of the Heads of State in October 2013, to set a final deadline on the creation of ECOWAS CET that foresaw its coming into force on 1 January 2015 (see ECOWAS Commission 2014; ECOWAS Heads of State and Government 2014). Although it took long, there is now an ECOWAS CET in place which determines the regional level tariffs that apply to third parties such as the EU.

Despite being slow in its integration process, some regional level policies have helped to speed up decision making and deepened the connection of the ECOWAS region; there is now a high level of political harmonisation with a number of treaties and protocols ratified in the area of political governance, democracy, electoral observations, and in the area of peace and security.

To conclude this section, the convoluted nature and yet the scrambling processes for deeper and wider regional integration in ECOWAS described above is a testament to the real appreciation by ECOWAS leaders regarding the need for a more regionally integrated ECOWAS. Although such integration has been slow and many stated motivations not translating into actions by Member States, there has been some important milestones as shown above. Nonetheless, there still remain a number of items on the “to-do list” of the West African region in the years ahead - key among such is the work towards the achievement of the single currency and monetary union by 2020 among other things towards the establishment of an

Economic Union.<sup>45</sup> Finally, regarding the state of regional integration in ECOWAS and the possible implications it has had on the EPA negotiations, it has been obvious for some time that, the belated attainment of the ECOWAS Customs Union and the setting up of ECOWAS CET as late as in 2015 have had implications on the region's EPA negotiations strategy as tested in Hypothesis II in chapter 7 below. In the next section, the actual structures put in place for the EPA negotiations are discussed.

## **6.5. Describing EU-ECOWAS EPA Negotiations**

In the following section, the EU-ECOWAS+ Mauritania's EPA negotiation structures and processes, as well as the contexts of events, timing and regional factors, are discussed. First of all, the institutions put in place for the negotiation are outlined. This is followed by a discussion of the negotiation contexts. The section ends with a look at the state of play of the EPA negotiation at the time of completing this project.

### **Negotiation Structures and Processes**

Launched in October 2003, the EU-ECOWAS (+Mauritania) EPA negotiation eventually adopted a joint roadmap of negotiation in August 2004 during a meeting of Ministers of Trade on the Economic Partnership Agreement between West Africa and the European Community in Accra (Ghana) (see ECOWAS and European Commission 2004). It was agreed in that roadmap that the parties would work towards reaching a final EPA in December 2007 in line with WTO deadline. The negotiation was designed to be in three phases, after an All-ACP-EU negotiations (ibid.). As mentioned in Chapter 5, prior to the commencement of the EU-ECOWAS negotiations, there had been phase one of an all-ACP Group of States negotiating the broader principles and structural framework of the EPA negotiations (see the joint report, ACP Group of States and European Commission 2003). That phase ended in October 2003 and paved the way for regional level EPA negotiations.

In accordance with the 2004 roadmap adopted for the EU-ECOWAS EPA negotiations, the European Commission was to negotiate on behalf of the European

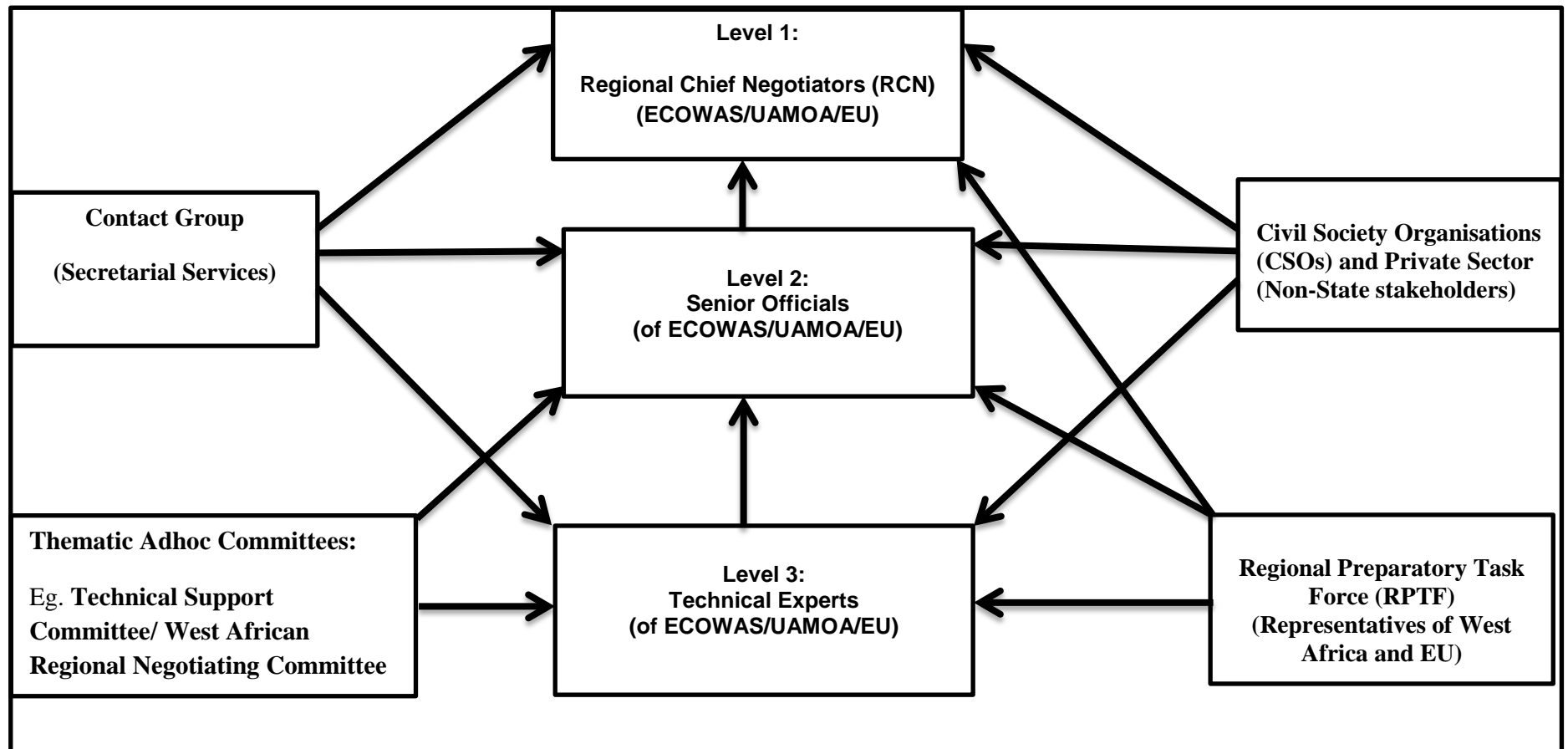
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<sup>45</sup>For a recent discussion on that, see "ECOWAS and challenges of implementing single currency System" by Uche-Ajuba (2015).

Union whilst a constituted Regional Negotiating Committee (RNC) was to negotiate on behalf of ECOWAS. Overall, negotiation was to be conducted at three levels as can be seen in Figure 9 below: the level of Chief Negotiators, a Senior Officials level, and at a Technical experts level (ECOWAS and European Commission 2004:9). The compositions and functions of those negotiation structures are outlined below.



**Figure 9: EU-ECOWAS EPA Negotiation Structure**



*Source:* Own compilation based on EU-ECOWAS Roadmap for EPA Negotiations, (ECOWAS and European Commission 2004).

At the top level of negotiation was a Team of Chief Negotiators, on the side of ECOWAS included the ECOWAS Executive Secretary and the President of the UEMOA Commission who led the process. To support them in the team included ECOWAS Trade Ministers but especially Chairman of ECOWAS Ministers of Trade. Each Member States in ECOWAS could constitute a delegation of up to 3 persons to be part of the delegation of the Chief Negotiators (ibid.). At this level, the European Commissioner for Trade will represent the EU Side (ibid.).

The second level of the negotiation structure was a team of Senior Officials who constituted a delegation of Regional Negotiating Committee headed by ECOWAS Deputy Executive Secretary for Policy Harmonization and UEMOA Commissioner for Tax, Customs and Trade Policy (ECOWAS and European Commission 2004:9).

The third and final level of the negotiating structure was a team of Technical Experts headed by ECOWAS Commission's Director of Trade and the Director of Trade of the UEMOA Commission. The rest of the experts' team included other members of the Regional Negotiating Committee (RNC) delegation. On the side of the EU at this level were representatives of the departments of trade, development and other relevant departments of the European Commission. The mandate and work schedule of the thematic technical groups, the evaluation of their work, endorsement of their draft conclusions, and subsequent reports were determined and approved by the Senior Officials (ECOWAS and European Commission 2004:7-11; Nwoke 2009:3-5). It was anticipated at the time that the technical teams would meet once every two months in principle.

In addition to the three formal levels of negotiation outlined above, was an established "Contact Group" which offered secretarial services for the negotiations. This group consisted of representatives of the ECOWAS Secretariat, UEMOA Commission and European Commission (ECOWAS and European Commission 2004:10). Additionally, the Contact Group was;

"responsible for monitoring the conduct of the impact studies recommended by the different technical groups, and the exchange of information on the negotiation issues such as trade in goods and services, tariff, and non-tariff measures, and regulation in the different areas under negotiation" (ibid.).

There was also another joint body on the negotiation structure known as "Regional Preparatory Task Force (RPTF)" between West Africa and the European Community

whose main job it was to ensure coherence and consistency between development cooperation funding and the new EPA policy (ECOWAS and European Commission 2004:10-11). The RPTF comprised of “representatives of the ECOWAS Executive Secretariat, the UEMOA Commission and the National Authorising Officers responsible for EDF” on the West African side (ibid.). The RPTF worked to ensure the effective and efficient delivery of support to the West African region in its preparation, negotiation and implementation of the EPA as well as helped to identify new funding measures and projects in ECOWAS and contribute to their evaluations (ibid.).

Finally, the EU-ECOWAS EPA negotiation structures allowed an active participation and engagement of the private sector and Civil Society Organisations (CSO);

“The participatory approach agreed on for the conduct of negotiations gives due recognition to the role of non-State stakeholders. They will be involved at every stage of the negotiations, firstly in the sustainable impact assessment of development (SIA) commissioned by the EC, and again in meetings at both the regional and national levels, convened at the initiative of States and regional organisations, as well as private sector and civil society organisations in both the West African and European regions” (ECOWAS and European Commission 2004:11).

The involvement of CSO and non-State stakeholders in all the regional EPA negotiating structures and processes, including their participation in impact assessments and in EPA meetings both within EU and in West Africa, was to ensure the consideration of their concerns during the negotiations. Seminars and public sensitization on EPA negotiations were conducted for and with the West Africa’s non-State stakeholders (ibid.). It could be argued that the negotiation structure that allowed the CSO in West Africa which were strongly against the EPA inadvertently helped the West African negotiators to pursue a distributive negotiation strategy as tested in *hypothesis II* in this study (see section 7.2 below).

### **EU-ECOWAS EPA Negotiation Timeline**

The first phase of the negotiation took place for a year, from September 2004 to September 2005 and addressed trade and regional economic integration. Phase two saw the designing of the EPA structure and discussion on trade related issues. This took place from September 2005 to September 2006. The last phase was to be on

trade in goods liberalisation and on services (African Trade Policy Centre 2007; ECDPM 2006c, d; ECOWAS and European Commission 2004:11-15; European Commission 2005d). However, by October 2007 as there was no hope for the final regional agreement, ECOWAS requested EU to ask for the WTO waiver to be extended (Safo 2007b). Nevertheless, the EU did not oblige. This conundrum led to Ghana and Ivory Coast initialling an interim EPA in order to maintain their market access to the EU in 2007 (Delegation of the European Commission in Ghana 2007; European Commission 2007a, 2008d; Murphy 2007) (See Box 6 below for a view of selected timeline of events derived through process-tracing the negotiations).

#### **Box 6: Indicative Timeline of EU-ECOWAS EPA Negotiations**

EU-ECOWAS negotiations of EPA were quite contentious and spanned a period of 12 years. Below are some of the key timelines leading to the conclusion of the agreement in June 2014;

- 12 June 2002 - Council of European Union authorised the Commission to open negotiations for Economic Partnership Agreements with the ACP countries
- 17 June 2002- Council of EU takes Decision for WTO-compliant agreement with ECOWAS.
- 27 September 2002- EPA negotiations formally launched.
- February 2003 - ECOWAS and the European Commission meeting in Abuja- set up a Contact Group comprising representatives of the ECOWAS Executive Secretariat, the UEMOA Commission and the European Commission for the EPA negotiation.
- 24 April 2003, Accra - First ECOWAS-EC Joint Ministerial Meeting on EPA
- 6 October 2003, Cotonou - ECOWAS-EC Joint Ministerial Meeting in preparation of launching of EPA negotiations.
- August 2004, in Accra- EPA negotiation inaugurated
- 27- 29 November 2007, Abuja-Nigeria- European Commission avoids EPA Chief Negotiators Meeting With ECOWAS- refuses to meet without any official correspondence.
- 7 December 2007 - Cote d' Ivoire –EU initialled a Stepping Stone (interim) EPA
- 13 December 2007, Accra - Ghana – EU initialled a stepping stone EPA agreement.
- 8 May 2008, Brussels - EU Commissioner for Trade Peter Mandelson meets with Soumaïla Cissé, President of the Commission of the West African Economic and Monetary Union (WAEMU) for discussion on the state of play of in the Economic Partnership Agreement negotiations between the EU and West Africa and current increases in food prices.
- June-July 2008 - Some rounds of EPA negotiations.
- 26 November 2008 - EU and Côte d'Ivoire signed Stepping Stone Agreement
- 2009 – it was decided that the EPA negotiations would proceed in two phases –

first on Trade in Goods & Development Cooperation; then Trade in Services and Investment, including Trade-Related Areas would follow later.

- 25 March 2009 - EU Stepping Stone Agreement with Côte d'Ivoire approved by European Parliament.
- 15 May 2009, Abuja - ECOWAS Ministerial Monitoring Committee (MMC) calls for unequivocal commitment from the European Commission and EU Member States to contribute to the funding of a development programme to ameliorate the effects of the agreement on West Africa.
- 17 June 2009, Brussels - EU Trade Commissioner Catherine Ashton meets West African Commerce Ministers, Leaders of the ECOWAS and the Economic and Monetary Union of West Africa (UEMOA) Commissions. The EPA Deadline of June 2009 shifted to October 2009. Negotiations to proceed only on trade in goods and on development cooperation (trade in service etc. to follow in phase 2).
- 18 June 2009 - Third World Network (TWN), Trades Union Congress (TUC) and General Agricultural Workers Union (GAWU) protest Ghana's signing of EPA
- 22-26 March 2010, Brussels - ECOWAS makes a new concession on market access with an offer of 70 percent of their tariff lines and volume of trade over a 25-year period.
- 30 September 2011, Brussels - European Commission adopts a proposal for the removal of Market Access regulations 1528/2007 (COM (2011) 598 final; 2011/0260 (COD)).
- 11 November 2009 - Abuja, 16th EU-ECOWAS Ministerial Troika Meeting agreed to push negotiations ahead.
- 17-20 April 2012, Brussels - EU-ECOWAS EPA negotiations at both Technical and Senior Official levels. Progress made on the text of the agreement but discussion to continue on PAPED and Market Offer.
- 21 June 2012 - The International Trade Committee of the European Parliament voted to extend the 2014 deadline proposed by the Commission and give ACP countries until 2016 to ratify their EPAs before losing the right to duty-and-quota- free access to the EU that they have been enjoying since 2007.
- 25-27 June 2012?, Accra – EU-ECOWAS Market access negotiations
- 25 October 2013, Dakar - Extraordinary Conference of Heads of State and Government of ECOWAS approve the CET of ECOWAS, which is to come into effect on 1 January 2015.
- 6 February 2014 - EU-ECOWAS Chief Negotiators bring EPA negotiations to a close in Brussels.
- 17 March 2014, Brussels - Foreign Affairs Council conclusion confirms new EU support of at least €6.5 billion for the Economic Partnership Agreement Development Program (PAPED) for West Africa for the period 2015-2020.
- 30 June 2014 - EU-ECOWAS EPA text was initialled in Ouagadougou, Burkina Faso.
- 10 July 2014, Accra – Summit of ECOWAS Authority of Heads of State and Government officially approved EPA and directs Chief Negotiator to proceed to sign it.
- 15 December 2014 - Abuja , Summit of Heads of State and Government instructs West African Chief Negotiators-Presidents of ECOWAS Commission and the

West African Economic and Monetary Union (UEMOA) Commissions to expedite actions to organise the signing of the EPA between EU and ECOWAS instructs West African Chief Negotiators to create awareness of EPA and expedite action on the setting up of the EPA institutional mechanism and related texts.

- 1 January 2015 – ECOWAS Common External Tariff (CET) comes into effect and thus creates the Customs Union of ECOWAS.
- 5 February 2016 – EU-ECOWAS EPA Regional Preparatory Task Force (RPTF) meeting in Brussels.
- 7-9 February 2016 – EU-ECOWAS Joint implementation preparatory meetings in Brussels (Belgium) in preparation for the implementation of the EPA (awaiting the signature of all Member States).
- July 2016 – Ghana signs bilateral interim EPA with EU following the failure of ECOWAS EPA due to objection by Nigeria and Zambia.

**Source:** Own Compilation based on ECOWAS Commission and European Commission documents as well as based on media reportage using process-tracing technique.

It was agreed that the negotiations would continue and be concluded by 30 June 2009 at the latest even though that also did not materialise (European Commission 2008d). It was again extended to October 2009 but that too was postponed (ICTSD 2009). Due to the acrimonious nature of the negotiations between the parties in the period preceding the WTO deadline of December 2007, there was a long break in meaningful negotiation. It was in February 2009 that ECOWAS managed to present their first regional market access offer to the EU and in November 2009, the parties agreed on a legal framework for development cooperation (Council of the European Union 2014; ECDPM 2010b).

During negotiations in Brussels from 22-26 March 2010 in Brussels, “ECOWAS tabled a new market access offer that would open about 70 percent of their tariff lines and volume of trade over a 25-year period” (ICTSD 2010:1). That became a window of opportunity to move forward with the negotiation with EU’s preparedness to consider that offer, which would mean a shift from its position as well from 80 percent and a transition period of 15 years. However, there still remained other contentious issues that stampeded the negotiations (See Box 13 above).

Realising that the EPA negotiations were progressing rather slowly, the EU in September 2011 issued a warning to all the ACP regions and countries that a market

access offer under interim EPA (MAR - Council Regulation (EC) No 1528/2007) was to end in January 2014 (Bartels 2011; Council of the European Union 2007d; Dalleau 2012; European Commission 2011e). As some ECOWAS countries especially Ghana and Ivory Coast did not want to lose their market access into the EU, the threat of removing the Market Access Regulation (MAR 1528) resulted in a renewed pressure for the negotiators to work towards a finalisation of the process.<sup>46</sup>

After failing to meet severally imposed deadlines (of December 2007, June 2009, October 2009 and June 2014) due to various divergences of opinions, many experts and commentators deemed EU-West Africa EPA as unlikely due to the sub-region's number of poor countries who could still trade with EU under EBA (Action Solidarité Tiers Monde 2007; Arkoh 2014; Berthelot 2014; Bruce ; Coomson 2005; Dalleau and van Seters 2011a; Dicaprio and Trommer 2010; ECOWAS Commission 2009; Ghana Business News 2011; Persson 2009; Ukaoha 2009; Zouhon-Bi and Nielsen 2007). It is in view of that perception of unlikely agreement that it was all the more surprising that on 10 July 2014, ECOWAS initialled a regional EPA negotiation with EU:

“Given the existing difference in the economic structures of West African economies and the lack of integration in the region, where two regional economic entities, Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA/ WAEMU) are involved; the conclusion of the EU-ECOWAS EPA was unexpected according to many experts. LDCs are a majority among ECOWAS countries and therefore had less incentive to conclude an EPA as they could have still benefitted from DFQF market access under the EU "Everything but Arms" scheme if no EPA was signed” (ICTSD 2014).

Notwithstanding that perceived difficulty in the reconciliation of West Africa's situations and goals for the EPA and those of EU, during the 45<sup>th</sup> Summit of the ECOWAS Authority of Heads of State and Government, the highest decision making body of the economic bloc in Accra, Ghana on 10 July 2014, an official endorsement of the trade in goods only EPA was given:

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<sup>46</sup>The pressure exerted by European Commission was so high that some five EU member States, namely, Denmark, France, Ireland, The Netherlands and United Kingdom, signed a letter on 5 December 2013, addressed to the High Representative of the Union for Foreign Affairs and Security Policy, and Vice President of the European Commission and the European Commissioners for Development and Trade, calling on them to show “more flexibility in EPA negotiations with ACP countries” See Petersen et al. 2013.

“On the basis of the consensual results reached by the Chief Negotiators on all the issues (particularly on the market access offer, the EPA Development Programme (EPADP) and the text of the Agreement), the Heads of State and Government endorse the Economic Partnership Agreement negotiated which has taken due account of the technical concerns raised” (ECOWAS Heads of State and Government 2014).

ECOWAS thus became the first region in Africa to initial a regional level EPA (alas it is a trade in goods only EPA. The formal signing ceremony and subsequent ratification processes in both the EU and in ECOWAS were supposed to be done in due course (European Commission 2014g; ICTSD 2014).

However, the joy of the partial ending of the negotiation was short-lived as at the time of concluding this research in May 2016 – a year after that official endorsement, the signature process was still ongoing with only 13 countries having signed the EPA except Nigeria, Gambia and Mauritania – three countries that are increasingly seen not prepared to sign the deal as agreed upon at the ECOWAS level (see Wiafe 2016). The implication of that would be a no ECOWAS-EU EPA because all member countries have to sign before it could be concluded and implemented (see European Commission 2016). As a consequent of the continuous impasse, the dependent variable of this study remains - different EPA negotiations outcomes as already outlined in the introductory chapter. Below, an overview of the topics covered in the EU-ECOWAS EPA negotiations is presented.

### **Topics and Issues covered in EU-ECOWAS EPA Negotiations**

A number of issues have occupied the negotiating parties in EU and West Africa for the over 12 years of negotiations as inferred from a 2005 European Commission statement below:

“The discussions that produced the road map for the negotiations enabled the two sides to agree the main issues for the EPA negotiations: *tariffs and quotas, customs and trade facilitation, technical and health standards, trade in services, intellectual property rights, competition policy and investment policy*” (European Commission 2005d:17, emphasis added)

The majority of these issues remained central in the course of the negotiations with some few additional ones as outlined in Box 7 below.



### Box 7: Issues Covered in the EU-ECOWAS EPA Negotiations

1. Degree of market access in trade in goods	2. Transition period to full liberalisation
3. Inclusion or exclusion of Trade in Services	4. Intellectual Property Rights (IPRs)
5. Rules of Origin	6. Agriculture and fisheries
7. Liberalisation of government (public) procurement	8. Additional financial resource for EPA adjustment cost
9. “Singaporean issues”: Investments rules, Trade facilitation, Competition policy	10. Export Taxes
11. Inclusion/exclusion of Most-favoured Nation (MFN) clause	12. Non-Execution clause
13. Sanitary and Phytosanitary standards	14. Maintenance or abolishment of ECOWAS regional community development levy

**Source:** Own compilation from EU & ECOWAS negotiations documents and reports including (ECDPM 2006d; ECOWAS and European Commission 2004; ECOWAS and European Union 2015; European Commission 2005d).

As can be seen from the Box 13 above, one fundamental issue of negotiation was how to arrive at a consensus on the *degree of market access* (opening) that both the EU and ECOWAS would offer to each other (see European Commission 2005d:17). Closely link to that issue is the transition period the parties were willing and able to offer to ensure full liberalisation (see ACP Group of States and European Commission 2003; ECOWAS and European Commission 2004; European Commission 2005d). That topic remained highly contentious from the all-ACP and EU level of negotiation through to the EU-ECOWAS level of negotiations until date.

EU and ECOWAS negotiators also discussed Rules of Origin (RoO) regarding sources of products that could be considered as eligible under the EPA regime. The parties also negotiated over how to treat agricultural products and subsidies offered to their farmers. Likewise, trade in services featured strongly in the negotiations especially in the first half but due to West Africa’s insistence, it was deferred to the future in the course of the negotiations (see ECOWAS and European

Commission 2004; European Commission 2005d, 2009b, 2011c).<sup>47</sup> The regional EPA concluded in July 2014 was only on trade in goods plus some other rules. Other issues that featured in the negotiation included national treatment provision, which required equal treatment of companies and products without discrimination; and trade-related issues such as standards, sanitary, veterinary or phytosanitary rules (SSP) (ECDPM 2006d).

Additionally, the negotiations considered Most Favoured National (MFN) clause as EU's requested that any future trade preferences that are offered to ECOWAS or ECOWAS offer to any future trade partner, the same should be given to EU (see European Commission 2005d:17). That issue remained controversial until the partial end of the negotiation. In the same vein, the inclusion or otherwise of a Non-execution clause, which would permit sanctions and suspension of the agreement in the case of human right abuse in a partner country. That equally was a source of contention between the parties (see ICTSD and ECDPM 2009).

Finally, negotiations between the EU and ECOWAS also featured a lot of debate on obtaining additional resources (development assistance) to mitigate EPA adjustment cost (see European Commission 2005d:15-16). Eventually EPA Development protocol (known as PAPED in French) was agreed upon where EU pledges to offer West Africa an amount of 6.5 billion Euros from which the region could finance EPA related adjustment costs (see Council of the European Union 2010b; ECDPM 2010b; ECOWAS Commission 2016; ECOWAS Heads of State and Government 2009; European Commission 2016).

### **State of Play of EU-ECOWAS EPA Negotiations**

The EU-ECOWAS EPA negotiation stalled after the 2007 WTO deadline elapsed but a resumed momentum saw a new framework adopted by the Chief Negotiators in June 2009 to conclude EPA on agreeable issues - trade in goods and development cooperation while leaving all other trade-related issues, such as trade in services and investment, sustainable development, competition, Intellectual Property Rights (IPR) and public procurement, to be negotiated at a later date (see European

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<sup>47</sup>The still contested text of the EU-ECOWAS regional EPA as endorsed on 10 July 2014 covers trade in goods and development-cooperation only (but includes rendezvous clauses providing for further negotiations on services and other trade related rules).

Commission 2009a:5). This situation was also confirmed in Interview 22. Throughout the negotiations period, discussion on the level of market access offer and the financing of EPA related adjustments vis-à-vis development cooperation had remained contentious among others. ECOWAS made a specific request for funding from the EU for infrastructure and other restructuring programmes amounting to 9.525 billion euros estimated in an “EPA Development Programme” (see Council of the European Union 2009b; Dalleau and van Seters 2011b; ECDPM 2010b) and (Interview 22). The EU, however, pledged about €6.5bn for the next 5 years upon the conclusion of the EPA (ECDPM 2010b; ECOWAS Ministerial Monitoring Committee 2011).

Throughout the negotiations until 2014, there also remained contentions between the EU and ECOWAS on the proposed inclusion or otherwise of Most Favoured Nation (MFN) and Non-Execution clauses (ICTSD 2014).<sup>48</sup> Those Eventually, the negotiators deemed those issues highly political and thus referred them to the highest political leadership of both the EU and the ECOWAS for resolution (ECOWAS Ministerial Monitoring Committee 2011). On 10 July 2014, ECOWAS became the first region in Africa to conclude and officially endorse a regional EPA pending the official signing ceremony and the subsequent ratification processes.

## 6.6. Conclusion

In this chapter, ECOWAS economic bloc has been introduced. Its membership and configurations have been identified and its political and economic conditions have also been highlighted. Additionally, the situation regarding its regional integration and how it promoted or hampered the negotiations has been discussed. That led to the discussion of the EPA negotiations processes and structures within which negotiations have been conducted until date. This empirical evidence of the region on the EPA negotiations presents the opportunity to evaluate the three identified factors deduced from negotiation theory that are deemed to have

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<sup>48</sup>By the MFN clause, any better trade conditions that ECOWAS would offer to any other trading partner automatically has to be extended to the EU (to avoid discrimination). On the other hand, by the Non-Execution clause, EU proposes to be able to sanction and suspend ECOWAS countries from the EPA in cases of human right violations. However, the West African negotiators have strongly opposed those two proposals.

influenced the negotiations outcome. Again, the economic and social development indicators discussed in the chapter both provide justification for and evidence to the research variable relationship tested in hypothesis II regarding how the issue linkage of development aid to the EPA negotiation could lead to the negotiation conclusion or otherwise.

In the subsequent Chapter (7), the empirical situations of both the Caribbean Forum and ECOWAS are juxtaposed onto selected elements of negotiation analytic framework with the aim of explaining the EPA negotiation outcomes in the two cases in a comparative manner. The completion of that Chapter paves the ways for the final Chapter 8, where the general findings and conclusions, as well as the future outlook of the thesis, are presented.

## **Part V: Comparing the Regional EPA Negotiations & Major Conclusions**

## Chapter 7: A Comparative Analysis of the EPA Negotiation Outcomes

In this chapter, a comparative analysis of the negotiations between EU, ECOWAS and the CARIFORUM - the two regions discussed above in Chapters 5 and 6, is conducted. The analysis is undertaken using three independent variables as identified and discussed in Chapters 2 and 4; Namely, the role of Best Alternative to Negotiated Agreement (BATNA), negotiation process and strategy, and issue linkages. It is generally assumed that, like most complex negotiations, there is no single comprehensive explanation of the outcome. Usually, a combination of two or more variables facilitates a clearer and better explanation. However, in this study, it is found that the outcomes of CARIFORUM-EU EPA and ECOWAS-EU EPA negotiations largely depended on the presence or otherwise of a perceived “Best Alternative” to the proposed EPA.

The Chapter is divided into three comparative sections with each section discussing one independent variable. The chapter then ends with a summary and general conclusion of the key findings. Due to the interdependencies between the phase I (all-ACP-EU negotiations) and the phase II (EU-ACP REC negotiations), the format of the analysis is to first consider the independent variable of interest at the all-ACP and EU-level negotiations and then consider the same at the level of the EU-ECOWAS and EU-CARIFORUM level of negotiations. As pointed out in section 4.1, the use of “EU” is mostly as a *unitary actor* at the global and international level –with less emphasis on EU’s internal institutional and the Member States dynamics.

The puzzle of the study as pointed out in the introductory chapter is that there is significant trade dependence of the ACP regions on the EU. As such, the EU’s insistence on negotiating a *reciprocal-WTO-compatible EPA* as a replacement of the erstwhile non-reciprocal preferential trade regime left the ACP regions with less choice. It is reasonable therefore to expect that due to their huge trade dependence on EU; the asymmetrical power relationship between the ACP regions and the EU, coupled with the expectation of EU’s actorness at the international level to influence third parties, the ACP regions would acquiesce to EU’s power and sign onto the EPA at the same or similar time without much differentiation (cf: Bretherton and Vogler 1999; Bretherton and Vogler 2008). Nonetheless, there have been huge variations in

the speeds of concluding the agreement with the EU especially between the CARIFORUM and ECOWAS regions and indeed the remaining ACP regional communities. What explains that dynamics is the main motivation of this current study? The study is premised on the assumption that despite their structural trade dependence (which is of course in different degrees); other “non-structural” independent variables help us to obtain a clearer and comprehensive understanding of the reasons behind the difference in EPA negotiation outcomes. In the subsequent section, the adopted negotiation analysis framework offers a more robust and comprehensive understanding of why there is a difference in the outcome of the EPA negotiations between EU and the Caribbean Forum and the West African region respectively.

As pointed out in Sections 5.5.1 and 6.5.1 in Chapters 5 and 6 respectively, the EPA negotiations were carried out in two phases. Phase I on cross-cutting issues bordering all-ACP states and the EU and phase II for EU and the respective ACP RECs negotiations, to give a holistic overview of the EPA negotiations at the two ACP RECs under comparison in this study, a combination of “two-level game” analysis (Putnam 1988) and a “three-level game” (Bonvicini 2008; Larsén 2007c; Patterson 1997) *analytical* framework is adopted for the subsequent analysis. The analysis begins by examining the variables at the Phase 1 negotiations (because the Regional Economic Communities equally participated in that phase as well and did revert to that level processes in the course of their individual EPA negotiations). After the all-ACP-EU level, the analysis examines the second level of negotiations involving the two regions - CARIFORUM and ECOWAS and where necessary, a third level (national contexts that were pivotal to the processes and outcomes at the regional level) are discussed. The first comparative analysis focusing on BATNA is conducted in the subsequent section 7.1 below

## **7.1. Assessment of the Role of Best Alternative to Negotiated Agreement (BATNA) to EPA Negotiation Outcome**

Perceived or actual negotiation alternative(s) are considered in negotiation literature as very crucial to negotiation processes and the outcomes. The concept of Best Alternative to a Negotiated Agreement (BATNA), as discussed in chapter 3 has received much attention in the negotiation literature with some existing hypotheses; to recapture the importance of BATNA as an independent variable in this study, it is assumed that negotiating parties always weigh the proposed agreement against their “no-agreement alternative” in order to maximise gains as rational actors. That means, when the value or benefits of the perceived or real BATNA is higher than what is gained from the currently negotiated agreement, they are likely to reject the negotiated agreement in favour of their BATNA. It is thus claimed that as rational actors, the negotiating parties demonstrate high interest and commitment to proposed agreement by quickly concluding it when the alternative to “no agreement” makes them worst off (see Odell 2009; Odell 2010) and (Narlikar and Odell 2006:116-117). That proposition means that a party’s BATNA determines the extent to which it is able to resist proposals from its negotiating partners during the negotiation process – regarding the worst deal it will accept – and hence set the limits of the Zone of Possible Agreement (ZOPA) (Odell 2010:622).

It is therefore with those existing BATNA assumptions that in this thesis, the role of real or perceived alternative to the proposed EPA is adopted as one of three main independent variables. It is assumed that the so-called BATNA hold a significant explanatory power regarding how the EU’s negotiations for an EPA with ACP regions in general but ECOWAS and CARIFORUM, in particular, has played out. In support of that expectation, Larry Crump, one of the prominent scholars in negotiation studies has argued that,

“The links between a party’s goals and its real or perceived alternative(s) are so fundamental to the negotiation process that they are thought to contribute to—even establish—interdependence between the parties. Alternatives often appear in the form of another negotiation” (Crump 2007:118).

It is thus justifiable to assume that, the aims set up by the negotiating parties (in this case the EU and the ACP regions) to embark on and conclude the negotiations of



EPA are fundamentally influenced by their “real or perceived alternative(s)”. It is based on the above suppositions that this section now analyses the EPA negotiations between the EU and the ACP Group and specifically, CARIFORUM and ECOWAS to establish the extent to which “a BATNA” or “a no BATNA” scenario affected the negotiation processes as well as the outcomes. The section begins with the issue of BATNA at the level of ACP-EU negotiations.

### **Impact of perceived or actual alternative to the ACP-EU EPA negotiations in general**

The question of what real or perceived alternative(s) to the EPA negotiated by the EU and the ACP parties was extensively debated before and during the negotiation. The interest here is to identify those alternatives and to discuss how they were “so fundamental to the negotiation process” and hence the outcome.

At the general ACP-EU level, from the onset of discussion on EPA as a new trade regime to replace the then existing preferential trade regime between the EU and the ACP Group of States, the issue of “alternative” was well acknowledged. Article 37(5-6) of the Cotonou Partnership Agreement concluded in 2000-which gave rise to the EPA negotiations – states that:

“Negotiations of the Economic Partnership Agreements will be undertaken with *ACP countries which consider themselves in a position to do so*, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, taking into account regional integration process within the ACP; In 2004, the Community will assess the situation of the non-LDC which, after consultations with the Community decide that they are not in a position to enter into Economic Partnership Agreements and *will examine all alternative possibilities*, in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules” (ACP Group of States and European Community and its Member States 2000, emphasis added).

This implies that it was from the beginning acknowledged and anticipated that there might be some ACP countries and regions that could consider themselves not to be in a position to negotiate EPA with the EU. Before and during the EPA negotiations, there was consistent reiteration by many of the ACP countries and negotiators about their lack of readiness to negotiate EPA and tried to explore its “alternatives” as anticipated in the Cotonou Agreement (see ACP Heads of State and Government 2012: para. 36; African Union 2011; AU Conference of Ministers of Trade 2006, 2007; AU Conference of Ministers of Trade and Finance 2008; Bilal and Rampa 2006a; Bilal and Rampa 2006b; Bishop et al. 2013; Economic Justice Network of

Ghana 2012; Raihan et al. 2007; Wallie 2005; West African Civil Society Institute 2013). Despite the ACP Group's perceived lack of readiness to implement EPA and their reluctance to the negotiations, in the EPA joint review report issued in July 2007 by both EU and the ACP Group, the latter failed to make categorical demand for the consideration of EPA alternative (see ACP Group of States and European Union 2007). Instead, paragraph 2.4 of the report partly states that "...all of the six joint EPA regional reviews confirm the commitment of the parties to conclude negotiations by the end of 2007 as stated in the Cotonou Agreement" (ibid: 5). Even though there was a qualification for that commitment to conclude the negotiation, it was a missed opportunity by the Group to fundamentally shape the direction of the negotiations.<sup>49</sup>

The EU on the other hand, throughout the process, other than considering "alternatives" to the proposed EPA, preferred it in its original form as the new trade regime that is best for the development of the ACP regions and for EU itself. That is seen in official statements and documents. For instance, Mr Peter Mandelson, the then Trade Commissioner is widely quoted on his "There is certainly no Plan B" to EPA comment made in 2007 (see ECDPM 2007a). See Wallie (2005:9) and South Centre (2009:3) for the account of other official statements to the effect of "no alternatives to EPA from EU perspective". It was thus generally perceived without ambiguity that from the side of the EU there was no "alternative" to the proposed EPA, beyond stating it in the Cotonou Agreement.

On the basis of the two different perspectives on whether or not there were to be "alternatives" to the EPA as described above, it becomes obvious that the two main negotiating parties at the level of all-ACP and EU could not agree on the way forward for the negotiations. That disagreement led to the crucial determination of what to do with the EPA in the hands of the individual ACP regions. So how did the two ACP regions under comparison perceive their "alternative (s)" to the EPA proposal by the EU and how did it influence the negotiation processes and outcomes?

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<sup>49</sup>Three requirements were identified to be the conditions upon which the 2007 deadline could be met: "meeting this deadline depends in all regions on mutually acceptable progress and in particular in three areas, namely (i) market access, (ii) the text of the agreement, and (iii) the accompanying measures, including development finance and EPA related adjustment costs" para. 2.4 of the 2007 Joint EPA Review Report.

The following sections discuss that question in the light of negotiation analysis concept of BATNA.

### **In search for a Best Alternative to EU-CARIFORUM EPA**

Under the existing trade regime of EU, two alternative arrangements are identified by several scholars as what could be applicable to ACP countries and regions; “with the end of the Cotonou regime of preferences, the options available to ACP countries under the current EU regime of preferences are therefore an FTA/EPA or the GSP/EBA” (Bilal and Rampa 2006b:87). That meant the new trade regime could either establish Free Trade Area between the EU and ACP regions such as what EPA sought to achieve or a choice from one of three already existing EU’s trading schemes. Namely, the *Generalised System of Preferences* (GSP), *Generalised System of Preferences-Plus* (GSP+) or the *Everything But Arms* (EBA) trading scheme.<sup>50</sup> Those are equally approved by WTO as they are developed under the WTO “enabling clause” which allows for an exception to the WTO Most-Favoured-Nation (non-discrimination) demands.

The above described “alternatives” to the proposed EPAs have thus received a lot of attention in analyses and commentaries regarding their viability of addressing the same WTO-compatibility aim of the EPAs (see ActionAid International 2004; Bilal and Rampa 2006a; Bilal and Rampa 2006b; Bouet et al. 2007; Eurostep 2012; Mold 2007; Raihan et al. 2007; Stevens 2005a; Wallie 2005). In this section and in this thesis, the aim is to determine how the availability of those alternatives has actually influenced the negotiation processes and outcomes. The case of Caribbean Forum negotiations is considered in this section.

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<sup>50</sup>By way of further explanations, *the EU’s GSP* is a standard trading scheme approved by UN and WTO that seeks to help *Developing Countries (DC)* by making it easier for them to export their products to the European Union by removing or reducing tariffs up to about 66% of traded goods. *The GSP+* is a more favourable type of standard GSP that is given to DCs that are already benefiting from GSP but have gone ahead to ratify and implement international conventions such as human rights, labour rights, sustainable development and good governance conventions. GSP+ beneficiaries obtain zero duties on up to 66% of goods traded with the EU.

Finally, *the EBA*, as the name suggest, is a special arrangement for the *Least-Developed Countries* (LDCs) who are permitted to export everything (every product) except arms into the EU market “**full duty-free, quota-free**” For more details on these scheme, see European Commission. 2004a; Council of the European Union. 2005a; Council of the European Union. 2005b; European Commission. 2014c

It is argued that, given the regional economic situation (described in Chapter 5) and realising they do not qualify for the most favourable EBA alternative to the proposed EPA, the negotiators of Caribbean Forum walked into the negotiations of EPA with the EU with their job strictly cut for them – get a deal by end of the 2007 deadline with the EU to ensure continued access to the EU market. The region could not afford further economic and trade challenges in addition to those already overwhelming it. The region had two alternatives to choose from: the proposed EPA or a GSP (confirmed in interview 39). Sharing his view on the two options for the Caribbean Forum, Junior Lodge maintained that,

“In spite of the investment of considerable thought, the Caribbean region has not detected any attractive alternative to regional based EPAs (REPAs)” (Lodge 2002:3).

The Caribbean region thus had limited choice on negotiating EPA with EU. One alternative to EPA the region could consider- an enhanced GSP – was considered to be “both unattractive and implausible for a number of reasons” (ibid.). First of all, it is a unilateral trade preference offered by the EU and could be “summarily withdrawn by the EC” (ibid.). Secondly, there was a sense of uncertainty on the GSP because the EU had “promise to overhaul its GSP scheme in 2004” – the region could thus not rely on that option (ibid.). Thirdly, it was “doubtful whether a Generalized System of Preferences (GSP) scheme will deliver the degree of market access” (ibid.) enjoyed by the Caribbean region (and indeed all the ACP countries).

The above assessment by Mr Lodge is shared by several others such as (Gonzales 2008:2) and (Fontagné et al. 2008a) – the latter who argue that, the main alternative to EPA available to non-LDC ACP countries (such as there are in the CARIFORUM) is for them to avail of their access to the GSP scheme (Fontagné et al. 2008b:39). On the other hand, they could opt for the more attractive GSP-plus scheme if they have committed to a sustainable approach to development by ratifying and implementing a series of international conventions (ibid.). From the various assessments, the Caribbean region had no Best Alternative to the Negotiated Agreement (BATNA) to the EPA as proposed by the EU.

The CARIFORUM negotiators, having studied the alternative trade regimes available to the region and realising there was no BATNA to the EPA, after the all-ACP-EU EPA negotiation phase, decided its best option was to secure an agreement

with the EU under the newly proposed EPA trade regime. In the view of the Negotiators and one part of the public, EPA alternatives consisting of GSP or GSP-plus were considered “unfavourable” to the region’s aspirations and circumstances (confirmed in interview 39). The reasons accounting for that position are further discussed below.

First of all, the EU’s trade option available to choose from other than the EPAs are unilateral preferential trade schemes offered to countries based on their level of development or based on the recipient countries having complied with a number of international laws such as international human rights, labour rights and other sustainable development and good governance conventions (European Commission 2014c). Based on their levels of developments, only Haiti, among the CARIFORUM countries could qualify for the generous Everything But Arms (EBA) trade scheme (see table 17 below), the remaining countries had to trade with the EU under the GSP as pointed out already.

**Table 17: Alternative Trade Regimes Available to the CARIFORUM Member States in the Absence of EPA**

<i><b>Country</b></i>	<i><b>Alternative to EPA</b></i>
Antigua and Barbuda	GSP
The Bahamas	GSP
Barbados	GSP
Belize	GSP
Cuba	Not party to the EPA
Dominica	GSP
Grenada	GSP
Guyana	GSP
Haiti	EBA
Jamaica	GSP
St. Kitts and Nevis	GSP
Saint Lucia	GSP
St. Vincent and the Grenadines	GSP
Suriname	GSP
Trinidad and Tobago	GSP
Dominican Republic	GSP

**Source:** Own Compilation

However, both the GSP and the GSP-plus which countries in the Caribbean qualified to adopt as a trading scheme with the EU were considered as unfavourable

in the region; “although, on the one hand, this solution would be fully WTO compatible, as the GSP is legally justified under the Enabling Clause, on the other side, it will not grant to the ACP the same level of preferences that they currently enjoy. Both the GSP and GSP plus provide for a less favourable treatment” (Fontagné et al. 2008b:39). It was estimated that going for the GSP option was going to cost “Caribbean and Pacific” countries a decrease in exports up to \$3billion (Bouet et al. 2007:7). This is because the choice of GSP/GSP-plus would have meant export from some CARIFORUM member states to the EU would have attracted higher tariff according to several studies such as one published by Overseas Development Institute (2007).<sup>51</sup> That study shows that even though there were to be wide variations in tariffs applying to different countries and different goods, a switch to a GSP would have meant almost all Caribbean countries; namely Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, St Kitts, St Lucia, St Vincent, Suriname, Trinidad and Tobago, would have experienced “moderate or large tariff jump” in their exports to the EU as part of a tariffs “most-affected countries” (see Overseas Development Institute 2007:8-9). Some countries such as Belize could have paid as much as over 75 percent of tariff on some exports while St Kitts pays over 50 percent on some of its export (Overseas Development Institute 2007:9). However, in the case of the EPA, none of such tariffs was to be incurred:

“The EPA removes all tariffs and quotas on Caribbean exports to the EU immediately. The only exception is sugar and rice, which will be liberalised over short periods”(European Commission 2008a).

Given this clear cost and benefits of EPA and non-EPA, it would have been unreasonable for the Caribbean region not to sign the EPA.

Furthermore, the GSP was not preferable in the Caribbean region because its coverage offered preferences on approximately 54 percent of tariff lines in contrast to approximately 95 per cent under Lome trade regime which the region had been a beneficiary of for many years (see Bishop et al. 2013:12). The “CARIFORUM and the other non-LDCs were confronted with an unpalatable choice: either negotiate a

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<sup>51</sup>Similar studies that predicted GSP/GSP+ as unfavourable for Caribbean and ACP regions included Barfod 2015; Bishop et al. 2013; Gasiorek et al. 2011; Herz and Wagner 2010; Stevens 2005a.

fully reciprocal EPA or run the risk of their trade access being downgraded to GSP terms” (ibid.). With hindsight, it is known the region chose the former.

A related reason, for which CARIFORUM concluded the EPA with the EU, was due to its circumstance regarding agriculture export. The region during the period leading to and during the EPA negotiation was faced with major challenges arising out of preference erosion and weak international competitiveness of traditional agricultural exports; low living standards of the rural population; and rapid increase in food imports generated by economic growth, urbanisation and tourism (Girvan 2007:22).<sup>52</sup> Thus, the period preceding the Caribbean Forum signing the EPA was one that could be described as of “panic” and in reaction to external events. In a speech around the time, the Caribbean Community’s Chairman stressed the fate awaiting the Caribbean region with regards to economic earnings from banana and sugar and consequently outlined and emphasised the need for “new sources of export and foreign exchange earnings” for the region to survive (CARICOM Secretariat 2006a).

It is thus seen that the erosion of commodity preference contributed to rendering a limited choice for manoeuvre under the circumstance as assessed by Fontagné et al. (2008b:39) who argue that, “The Caribbean and Pacific regions will also see strong impacts from the reduction in their preferential margins on sugar and bananas, key exports from both regions”. With an unfavourable alternative to EPA, the Caribbean negotiators decided to give in to EU’s inclusion of sweeping trade and trade-related issues in the agreement while maintaining as well as gaining new access to EU’s market e.g. trade in services as a measure to preventing a regional economic collapse in the Caribbean – while breaking ranks with the remaining ACP regions.

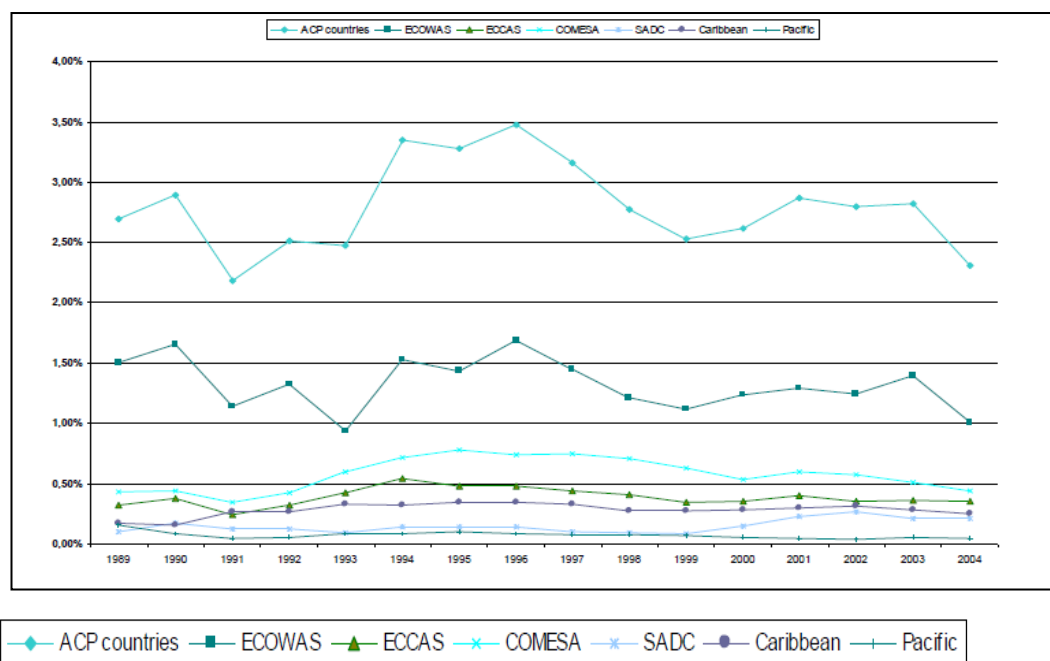
Moreover, the decision of the Caribbean region to break rank with the other ACP regions to sign the EPA was not entirely far-fetched. A look at the region’s share of ACP Group’s export to the EU over time (as shown below in Figure 10 below) demonstrates the urgency of the need to diversify the region’s export and the economy at large. CARIFORUM’s share of ACP export to EU in that period was 20% and share of EU’s import from ACP was 18.1% (Fontagné et al. 2008b:27) as

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<sup>52</sup>See a detailed analysis of impact of EU’s banana, rice, sugar on the Caribbean region undertaken by ECLAC. 2008b.

compared to ECOWAS share of EU's ACP export of 31.9% and import of 37% (ibid.). It is seen that the region's share of EU's import from the ACP Group between 1999 and 2004 was among the lowest as seen in Figure 10.

**Figure 10: CARIFORUM Share in Total EU imports (1999-2004) in Comparison with other ACP EPA Negotiating Regions**



**Source:** Adopted from Fontagné et al. (2008b:26). *Attention is drawn to the Caribbean region, which is in purple colour (3rd from the bottom and only above Pacific and SADC regions) whereas the total ACP Group's share of EU import is shown on the topmost line.*

From the ongoing analysis, it is seen that CARIFORUM did not have what it considered being a BATNA – a favourable trading scheme with the EU other than the proposed EPA. That absence of a BATNA therefore fundamentally influenced the negotiations between EU and the CARIFORUM. That goes to support the assumption in this study that, the EPA negotiation outcome had a lot to do with the availability or otherwise of a best alternative to the proposed agreement. It thus holds that a bi-regional EPA negotiation does not conclude when the Regional Economic Community demonstrate less interest and commitment to it because it has a BATNA and vice versa. Here it is observed that the EU-CARIFORUM EPA concluded in 2007 because CARIFORUM did not have any other better alternative in their considered opinion than to conclude the proposed EPA.



As pointed out above, CARIFORUM found itself in that situation of not having a BATNA because the EU's Everything But Arms (EBA) trading scheme was not available to its membership because they are all of "Non-LDC" statuses except Haiti. That means, failing to sign the EPA at the time the region did would have resulted in their being shifted to trading on the basis of EU's GSP trading scheme and as also discussed above, that result would have occasioned higher tariffs on the region's exports to EU thereby making their products uncompetitive in the EU market.

For the CARIFORUM therefore, the signing of the EPA was as a consequence the region's BATNA, i.e. the status quo negotiation. This, however, is not to say that the region obtained the best of deal ever because events in the aftermath of the conclusion and the implementation phase of the agreement has so far proved challenging with elusive benefits as attested to in official communications in the region. For instance, it has been posited by Caribbean Policy Development Centre that, "Five years have elapsed since the CARIFORUM EPA was signed...however, it is still difficult to point to any concrete benefits that have actually been realized in the region; many Caribbean countries and their private sectors are struggling under the weight of implementation of the Agreement" (South Centre 2013:18). This was however not totally unexpected because the region is still composed of only developing countries with significant fundamental structural challenges and vulnerabilities. That means, the well discussed "supply-side constraints" still bedevils the region and as such is unable to take advantage of the huge market access it has into the EU (see Mahadevan and Asafu-Adjaye 2010).

On the positive side, it is generally believed that the EPA presents opportunities to both parties and with time and with conscientious reforms in the CARIFORUM region, the benefits of the EPA would follow down the lane. In the meantime, however, the proposed hypothesis in this study that the outcome of the EPA negotiations is dependent on the availability or otherwise of a BATNA is demonstrated in the case involving EU and CARIFORUM negotiations. That negotiation was concluded as scheduled in 2008 because the region had no BATNA, other than the proposed EPA. The plausibility of the same BATNA based hypothesis is tested in the negotiations involving EU and ECOWAS below.

### **In search for a Best Alternative to EU-ECOWAS EPA**

Unlike the CARIFORUM-EU EPA negotiations which were concluded in 2007 and signed in 2008, the ECOWAS-EU EPA negotiations would continue until 2014 before it would be concluded (and limited to goods only agreement). Based on the assumption of BATNA in negotiation theory, it is argued here that, the ECOWAS-EU EPA negotiations have not concluded after several years of negotiation because the majority of West African countries (and hence the region) had a better alternative (BATNA) to the EPA in the form of the EBA.

The EBA scheme is seen as a BATNA for majority of the ECOWAS members because, as the name suggest, it offers “Duty-Free-Quota-Free” market access for all exports from LDCs and it is WTO compatible and approved by the UNCTAD (European Commission 2013e; Faber and Orbie 2007; Faber and Orbie 2009; Overseas Development Institute 2007:2). That alternative comes to those LDCs at no adjustment costs unlike the adjustment costs associated with EPA implementation; Countries that opt for EBA are not required to remove their import duties as required by the EPA. Those countries will also not be required to reciprocate whatever EU offers them as is the case under the proposed EPA. Indeed, apart from a commitment to negotiate together as one ECOWAS region in order to promote their internal regional integration, the circumstances of ECOWAS did not support the new EPA regime. The region, as a result, appeared not keenly interested and ready to negotiate the sweeping rules and all the so-called “WTO-plus” “Singaporean issues” (investment rule, competition, public procurement, and trade facilitation) as proposed by the EPA.

It is argued that ECOWAS’ BATNA was in the form of the EBA trade scheme due to the fact that 12 out of 16 of its constituent countries are classified as LDCs and hence qualified to trade with the EU under that trading scheme as demonstrated with table 18 below. From the table, it is seen that apart from Cote d’Ivoire, Cape Verde, Ghana, and Nigeria, all the other countries do qualify to trade under EU’s generous Everything But Arms (EBA) scheme.

**Table 18: Alternative Trade Regimes Available to the ECOWAS Member States in the Absence of EPA**

<i><b>ECOWAS Member State</b></i>	<i><b>Alternative to EPA</b></i>
1. Benin	EBA
2. Burkina Faso	EBA
3. Cape Verde	GSP+
4. Côte d'Ivoire	GSP
5. The Gambia	EBA
6. Ghana	GSP
7. Guinea	EBA
8. Guinea-Bissau	EBA
9. Liberia	EBA
10. Mali	EBA
11. Niger	EBA
12. Nigeria	GSP
13. Senegal	EBA
14. Sierra Leone	EBA
15. Togo	EBA
16. Mauritania*	EBA

**Source:** Own Compilation \*only negotiates EPA under ECOWAS but not a member of Bloc.

That situation meant those 12 countries did not really have any incentive to sign onto the EPA regime. Consequently, the entire West Africa region signing onto the EPA appeared unlikely. It was anticipated that the remaining four countries that did not qualify for EBA would readily sign onto the EPA but those countries were also divided on the EPA subject. As briefly described under the “State of Play of EU-ECOWAS EPA” in chapter 5 (section 6.5.3), Ghana and Cote d’Ivoire did conclude individual bilateral interim EPAs with the EU by the end of the initial deadline, whereas Nigeria and Cape Verde completely abstained.

Instead of Everything But Arms, the four non-LDCs in West Africa had to trade under GSP and or GSP+ scheme if they did not want EPA. However, going for GSP and or GSP+ trade options with the EU was not considered favourable as compared to EBA. It was well documented that West African countries would incur higher tariffs regime under GSP/GSP+ trading schemes (Overseas Development Institute 2007:8). The optimal choice for the West African region was thus allowing qualified Member States to opt for EBA (whiles the few non-LDCs go for a version of GSP scheme) or negotiating a joint EPA favourable if the region wanted to avoid a

breakdown in its regional integration efforts. The influence of EBA as BATNA on the West Africa-EU EPA negotiation process and outcome is further discussed below.

First of all, it is important to remember the high trade dependent relationship between West Africa on the EU as already extensively described and discussed in Chapters 2 and 6. The fact that West Africa accounts for almost 40% of EU trade with the ACP group meant that much was at stake in the negotiation for both parties. It is therefore not surprising that West Africa which has been predicted to be the bigger “loser” would resist concluding the EPA more than had been the case in the Caribbean region which accounts for only about 20% of EU-ACP trade. On the other hand, it is also not surprising that the EU would hold on to the negotiation for many years and not give meaningful concession to the West African party to bring the negotiation to a close - because much was at stake and both parties had been trying harder to get a bigger share of the EPA pie. On the other hand, the EU seemed not ready to offer any concession to West Africa that would set any bad precedent for its future trade negotiations.

For ECOWAS, a welfare, and economic impact analysis undertaken by the UNECA in 2005, found that the balance between “trade creation” and “trade diversion”<sup>53</sup> in the scenario of established Free Trade Area was almost negative for the entire ECOWAS membership (see table 19 below).

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<sup>53</sup>*Trade creation* is a term used to refer to a situation where after the creation of Free Trade Area (FTA) the result of the elimination of tariffs also results in a replacement of expensive domestic production by cheaper imports from more efficient partner countries. Conversely, *Trade diversion* is when there is a replacement of cheaper initial imports from lower cost producers outside the FTA to less efficient producers who are member countries of the FTA.

**Table 19: Trade Creation and Diversion Effects of EPAs for ECOWAS Countries (US\$)**

Country	Trade Creation	Net Trade Diversion	ECOWAS Diverted Trade	EU's Trade Gain
Ghana	267,762,342.00	-01,924,746.00	-23,480,674.00	369,687,088.00
Burkina Faso	40,483,269.50	-9,180,224.00	-2,883,310.00	49,663,493.50
Benin	61,057,168.50	-14,118,814.00	-2,695,298.00	75,175,982.50
Cote d'Ivoire	188,827,587.50	-26,441,888.00	-1,771,993.00	215,269,475.50
Guinea-Bissau	2,847,097.50	-272,652.00	0.00	3,119,749.50
Senegal	144,594,478.50	-16,273,266.00	0.00	160,867,744.50
Niger	39,532,750.00	-4,265,105.00	0.00	43,797,855.00
Nigeria	617,735,025.00	-172,854,272.00	-4,174.34	790,589,297.00
Mauritania	28,506,803.00	-5,301,686.00	-248,052.00	33,808,489.00
Mali	54,709,194.50	-4,454,198.00	0.00	59,163,392.50
Togo	58,332,504.50	-6,494,013.00	0.00	64,826,517.50

**Source:** Karingi et al. (2005b:70) based on WITS/SMART Simulations

It can be observed from the table that the EU is the party gaining while the net trade diversions are negative for all ECOWAS countries. Karingi et al. (2005b) found that West Africa under the proposed EPA regime would experience rapid trade creation effects for EU producers and exporters as the EU was going to benefit through a stronger growth of its exports into countries such as Nigeria, Ghana, Cote d'Ivoire and Senegal (Karingi et al. 2005b:70). For example, it was estimated that EU exports into Ghana would grow by 37.5 and above 20 percent for all other countries in the West African region (ibid.). In terms of trade diversion, as can be seen from the table (23), an implemented EPA in ECOWAS was expected to substantially divert trade especially in Ghana and Nigeria – US\$102 million and US\$173 million respectively to the EU. Those were not appealing statistics on the EPA for ECOWAS' policy makers and the negotiators – hence their hesitation to endorse the deal for many years.

The above scenario that the region would not be gaining much under its current circumstances from the EPA fuelled apprehension against it both in private and official circles. There was a feeling of compunction to negotiate a deal not wanted

and needed (see Berthelot 2014; CACID 2013; Civil Society Organisations against EPA 2012; CONCORD 2015; Coomson 2005; Diarra 2015; ECOWAS Ministers of Trade 2011; Global CSOs against EPA 2013; TWN 2005a, c). Indeed, since the negotiations of the EPA started, data gathered from Ghana for instance hardly demonstrate any *public support* for the negotiations - with the exception of a statement by IMANI Ghana (2014).

The cost-benefit analysis that accompanied the ECOWAS-EU EPA negotiations in West Africa was largely in line with the concept of BATNA – it is postulated that negotiation parties in the process of negotiations do study their benefits and their costs. When the costs are deemed to be more than the benefits and if they will be worse off under the agreement, a walk-away condition is thus created (Narlikar and Odell 2006:116-117) and there will thus not be an agreement. In this case, the BATNA helped to drag the EPA negotiations on for several years.

In line with the BATNA's postulation, West Africa's hesitation in the EPA negotiation also had to do with the adjustment cost and the expected revenue loss due to the implementation of the proposed EPA. For instance, in its "Statement Against the signing of EPA", the Economic Justice Network – a group of NGOs campaigning against EPA pegged the annual expected revenue loss for the entire ECOWAS region at US\$1.8billion due to the removal of import duties under EPA (Economic Justice Network 2014). In that Statement, it was highlighted that Ghana, for example, was expected to lose \$300 million dollars (USD) annually citing UN Economic Commission for Africa's report while lamenting the paucity of EU's promised EPA support of 6.5 billion Euros for the whole region over a period of five years (ibid.). A study published in 2005 by the UN ECA on the revenue loss of EPA on the ECOWAS estimated it to be about US\$ 980 million with dire consequences on other governments social programmes (Karingi et al. 2005b:73). In that study, it was found that "in terms of evaluating the EPAs for ECOWAS countries at least, it can be noted that the revenue foregone is likely to have negative impacts on other government programmes" (Karingi et al. 2005b:72). Those revenue loss concerns were highly sensitive for the West Africa's EPA negotiators and accounted for their insistence for guaranteed financial resource from the EU (as confirmed in interviews 8, 22 & 23).

See table 20 below for an overview of revenue loss expected under EPA for ECOWAS.

**Table 20: Loss of Revenue implications of an EU-ECOWAS EPA (million US\$)**

<i>Country</i>	<i>Revenue Shortfall</i>
<b>Ghana</b>	-193,683,365.00
<b>Burkina Faso</b>	-22,003,937.50
<b>Benin</b>	-39,523,104.00
<b>Cote d'Ivoire</b>	-112,236,538.00
<b>Guinea-Bissau</b>	-1,990,216.50
<b>Senegal</b>	-80,203,188.50
<b>Niger</b>	-20,487,214.00
<b>Nigeria</b>	-426,902,557.50
<b>Mauritania</b>	-14,572,779.00
<b>Mali</b>	-33,141,747.00
<b>Togo</b>	-35,471,728.00
<b>ECOWAS</b>	<b>-980,216,374.50</b>

*Source:* Karingi et al. (2005b:73) based on WITS/SMART Simulations

From the ongoing, there was thus an entrenched perception in West Africa, just like with other African RECs, that the EPAs would not be beneficial to the region. It was thus widely articulated that the EPA comes rather with devastating welfare implications in terms of adjustment costs and revenue losses to the government and people of the region. Here it is inferred that the posture of the West Africa negotiators was in direct reference to the EBA alternative available to many of its countries

It is argued here that, the impact of the EBA alternative is seen in the bargaining power it offered to the ECOWAS region and the disincentive it created for the West Africa negotiators to make serious concessions in the EPA negotiations. The availability of EBA for the majority of its West African states cushioned the region's negotiators against the negotiating pressure pushed by the EU. The EBA BATNA thus created room for the number of "silent" periods in the timeline of the negotiations as described above in Chapter 6.

The late decision of ECOWAS to sign a partial EPA eventually in 2014 (that has since been put on hold due to persistent opposition by Nigeria, Gambia and

Mauritania) was arguably, on their own volition principally to keep the spirit and momentum of the region's integration efforts:

“If these two countries ratify the interim EPA while the comprehensive regional Agreement has not been concluded between WA and the EU, *the regional integration process runs the risk of being thrown off balance because of the different trade regimes which would co-exist in the region* (EBA for the 12 LDCs, GSP for Nigeria and probably for Cape Verde, EPA Ghana and EPA Côte d'Ivoire) (ECOWAS Ministerial Monitoring Committee 2011:9, emphasis added).

As hinted of in Chapter 6, Section 6.4, ECOWAS' Common External Tariff (ECOWAS CET) was on the verge of being adopted and it was perceived that the entry into force of separate Free Trade Agreements between Côte d'Ivoire, Ghana, and the European Union would be detrimental to trade integration in the region (ibid.). If that were to happen, “it would be impossible to build a Customs Union and a Common West African Market, *which are*, the founding treaties of ECOWAS and UEMOA” (ibid, emphasis added).

Notwithstanding West Africa's hesitation to conclude the EPA, with the fixed position of EU to conclude regional EPA or implement bilateral interim EPAs or impose tariffs, it is high time West Africa adopted “a forward-looking approach” by considering “all the consequences that may arise, either from the non-ratification or ratification, and also be prepared for any eventualities and propose alternative solutions” as recommended by the ECOWAS Ministerial Monitoring Committee (2011:9).

The clear appreciation of issues at hand by the Ministerial Monitoring Committee of ECOWAS and the fear of negative impact that a non-EPA scenario painted for the regional integration efforts built over several decades would go a long way to creating the necessary momentum for the ECOWAS-EU EPA negotiations to go forward at that time. However, the continued impasse between EU and ECOWAS over even the partially *initialled* regional goods only EPA, it is seen that agreement may not see the light of day in the foreseeable future.

From the ongoing, it is thus deduced that the non-conclusion of the ECOWAS-EU EPA as witnessed for over 12 years of negotiation is partly due to the EBA BATNA, perceived to be better than the proposed EPA for the majority of ECOWAS member states. This evidence of no conclusion to the agreement facilitated by the presence of BATNA for the majority of the region's Members States support the



hypothesis that Bi-regional EPA negotiation fails to conclude when a Regional Economic Community have real or perceived better alternative(s) and vice versa.

It is subsequently claimed that in line with the concept of BATNA in negotiation analysis, the ECOWAS region has been able to “walk away” from EPA for over 12 years because majority of its membership do qualify for the perceived better trading scheme – the Everything But Arms (EBA) – which serves as a BATNA for the region. In support of that claim, it is seen that, the ECOWAS region made provision to support its Member States that would be affected by higher tariffs from EU in their readiness to boycott the deal, through the “Solidarity Fund” decided on by ECOWAS Ministerial Monitoring Committee in Accra in November 2011 (ECOWAS Ministerial Monitoring Committee 2011; ECOWAS Ministers of Trade 2011; Ghana Trade Union Congress et al. 2012).

To finish the discussion on ECOWAS’ search for an alternative to EPA, it is hereby pointed out that, the presentation above amply demonstrate that, the EBA BATNA which is considered beneficial than the proposed EPA, has created a disincentive for ECOWAS as a region to take an integrative approach towards the EPA negotiations. This is because the region is composed of a disproportionately higher number of LDCs (with the exception of Ghana, Nigeria, Cote d’Ivoire and Cape Verde), that could trade with the EU under the EBA scheme without having to accept the welfare costs and implications associated with the new EPA regime. The BATNA variable thus holds a high explanation to the West Africa-EU long drawn-out EPA negotiation processes and a non-concluded outcome.

### **Conclusion**

By way of conclusion, the important role of “real or perceived alternative(s)” on the goal of negotiating parties for any negotiation and the influence of those real or perceived alternative (s) on the negotiation processes as widely discussed in the negotiation literature has been demonstrated in the analysis above. The BATNA based hypothesis deduced for examination in this section is demonstrated to hold – that, the availability or otherwise of a BATNA in negotiations influences the negotiation processes and its outcomes. It is seen that the negotiation parties shifted their negotiating behaviour based on an assessment of their BATNA(s). As postulated, a worst off alternative caused the parties to have high interest in

concluding the proposed agreement and vice versa. This assumption is showcased by the two empirical case studied;

In the first instance, the case of CARIFORUM-EU EPA negotiation conclusion demonstrates that an absence of a BATNA shapes the goal and interest of the negotiating parties. For the Caribbean region, as seen above, the available trade regimes that could be opted for as opposed to the proposed EPA were deemed inappropriate in the furtherance of their national and regional aspirations. As shown above, all but one country in the CARIFORUM did not qualify for the favourable EBA trade scheme with the EU. They rather qualified for the GSP and GSP+ trade regimes. However, those two schemes were considered as a bad choice. The region's best bet was to conclude some form of new trade regime as proposed by the EU with the EPA. It is thus deduced that the negotiation position of CARIFORUM on the EPA and their attitude towards the negotiation process, which was markedly different from the remaining ACP regions at various points of the negotiation were shaped by the region's lack of BATNA.

In the second instance, it is observable that, the negotiation positions and behaviours of West Africa in the ECOWAS-EU EPA negotiations were different as seen in the analysis above. This has been explained as partly due to the option EBA trading scheme which the region perceived to be a BATNA to the proposed EPA. That behaviour of ECOWAS was rightly predicted by Busse et al. (2004) when the negotiations were at its nascent stage. It was their considered opinion that ECOWAS' position on the EPA as proposed and now concluded would depend on "whether an EPA will entail an increase in market-access preferences" that they were "already enjoying under the Cotonou Agreement" (:42). For the West Africa region, the EPA does not translate into immediate "additional trade preferences" because of the region's limited trade capacity (ibid.). Trade liberalisation as demanded by EU under the EPA thus proved to be very expensive to the regions in terms of new costs and loss of revenue – both situations making the conclusion of the EPA highly politically sensitive.

As shown above, the West African region hosting the majority of poor countries (LDCs), which doubted the *additional value* EPA was bringing to it in the immediate to medium term as was expected, had little or no incentive to conclude an

EPA with the EU. This claim is supported by the fact that 12 out of 16 countries benefited from the more favourable EBA trade scheme. Among the remaining 4 countries, Nigeria – the biggest economy in Africa, which is the most important trading partner of the EU in the region, exports mainly oil to the EU duty-free and was not interested in concluding the EPA. Accordingly, it was Ghana and Cote d'Ivoire which needed the EPA most and did endorse bilateral interim EPAs with the EU pending a regional level EPA in an unforeseeable future.

Based on the evidence adduced above, it is found in this study that, the consideration of EBA as the preferable trade scheme by the majority of countries in ECOWAS as opposed to the proposed EPA – the presence of a real BATNA, had a direct and negative impact on the negotiations of the ECOWAS-EU EPA. Counterfactually, one could imagine that, had ECOWAS not have many of its Members States qualifying for and perceiving that, the EBA alternative to EPA was a good choice for them, the ECOWAS region just like its Caribbean counterpart, equally having trade dependent relationship with the EU, would have signed and concluded the proposed EPA. ECOWAS negotiators would also have been compelled to given in to all EU's EPA proposals, rather than the limited scope of the agreement as initialled in 2014 which is still not concluded due to opposition by three ECOWAS countries. BATNA was thus a key determining factor on the outcome of the ECOWAS-EU EPA negotiations. The next related but different independent variable analysed is the negotiation strategies and tactics. The role of a dominant negotiating strategy in the determination of the negotiation outcome is thus evaluated in section 7.2 below.

## **7.2. Appraising the Impact of Strategies & Tactics on the Outcome of EPA Negotiations**

In keeping with established international negotiations studies and analyses and in order to understand and explain the EPA negotiation outcomes, the second of three independent variables tested in this study is the negotiation strategies and tactics used by the negotiating parties. In the foregoing section 7.1, it has been seen that the presence or otherwise of BATNA influenced the West African and the Caribbean negotiations with the EU. On the other hand, the kind of negotiation strategies and tactics pursued in a given negotiation are expected to equally contribute to the negotiation processes and outcomes. That variable is thus discussed and tested in this section. The section begins

As discussed in Chapter 3, due to their expected roles in understanding negotiations, strategies and tactics – used complementarily, have been the subject of analyses in many international negotiation studies (see Axelrod and Keohane 1985; Conceição-Heldt 2006; Dur and Mateo 2010; Dür and Mateo 2009, 2010; Feldmann 2001; Fisher and Patton 1991; Kim 2004; Niemann 2006; Olekalns and Druckman 2014; Olekalns and Smith 2000; Olekalns and Smith 2013; Ready and Tessema 2009; Robinson and Gibson 2011; Saeed 2008; Smith et al. 2005). Several studies of and about EU in national and international negotiations have also analysed strategies and tactics as independent variables (see Crump 2011; Drieghe 2008; Dür and Mateo 2010; Lodge and Pfetsch 1998; Robinson and Gibson 2011). Taking a cue from those studies, this section (7.2) evaluates the role of negotiation strategies in the EPA negotiations.

In line with best practice of identifying negotiation strategies/tactics, analysts have to first identify the Zone of Possible Agreement (ZOPA) – explained in Chapter 3 as the discovering of real or perceived benefits the parties hope to get from the agreement and what would thus constitute an acceptable deal for them – this section initially identifies the ZOPA of all the parties of EPA negotiations. It then goes on to discuss the strategies and tactics employed by the parties and analyses the possible impact those brought to bear on the EPA negotiation outcomes.

### **The ZOPA of EU**

Regarding ZOPA, several studies carried out point to how the EPAs, when implemented, would be beneficial or otherwise to the EU and the ACP regions. For the EU, the realisation that decades-long preferential non-reciprocal trade schemes have not led to the development of the ACP Group led to a complete change in philosophy of engagement. The mindsets of EU policy makers have shifted from a “donor-recipient relations” with the ACP Group to one embedded by neo-liberal trade policies as the sure panacea for the development of those ACP group (European Commission 1996, 2002b; McQueen 2002). The EPA has thus become a tool to effect that change in perspective.

The main assumption of the EU is that when barriers to trade are removed among a group of countries and Free Trade Area is created, a greater integrated market will be created (See Bilal 2002a:18-19; European Commission 1996:48-68; 2002b:6-9; 2007b). This larger market will then allow for economies of scale in production, increased efficiency, and give consumers opportunities to choose from wide range of products, stimulate investment flows, and increase levels of competitiveness of the domestic economies (ibid.). These favourable conditions will eventually lead to larger trade flows among regional partners and with the rest of the world, which should ultimately lead to a better and smoother integration of the ACP Group of States into the world economy as has long been yearned for (see ibid.). Seeing itself as a trusted and stronger partner of the ACP Group, the EU has thus been determined to play a positive stimulating role in that journey towards ACP development through trade and regional integration and the EPAs were to be the means to that end. As such concluding the EPAs with the separate ACP regions and or countries are treated as necessary steps that could be used to “lock-in” the much needed structural reforms anchored on EU’s model of regional integration with the believe that, that will result in higher economic growth and development for those countries (see Bilal 2002a; McQueen 2002).

Due to that EU’s ideological standpoint on the EPAs, as described above, any concluded EPA *had* to go beyond goods-only trade agreement to include a number of provisions on trade-related rules as well as trade in services that it perceived to be a new sector for economic growth. EPAs must also cover topics like investment,

competition policy, and public procurement to create the needed enabling environment to attract investment. In the words of the European Commission, “the primary building block for EPAs is the establishment of free trade areas, progressively eliminating tariffs and non-tariff barriers, such as quotas and measures having an equivalent effect, on substantially all trade between the parties” (European Commission 2002b:6).<sup>54</sup> Consequently, it is believed by the EU side that, a combination of the proposed transparent rules in EPAs, increased co-operation, legal security, support for regional integration and the financial support contained in the EPAs make them unique for ACP’s long-desired development (see Curran et al. 2008:531; European Commission 2002b). The above elements in EPAs would thus constitute acceptable benchmarks, the ZOPA, of the EU. On the other hand, the ZOPA of ACP Group is discussed below

### **The ZOPA of ACP Group**

On the side of the ACP Group, by signing the Cotonou Agreement in 2000 and agreeing to the provisions therein on the EPA, their understanding and expectation of the new trading arrangement seems to be different from those of the EU. In the view of the ACP Group, “the negotiations of the economic partnership agreements will be undertaken with ACP countries which consider themselves *in a position to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group*, taking into account regional integration process within the ACP” (article 37 (5) of the Cotonou Partnership Agreement, 2000, emphasis added). For the ACP Group therefore, concluding the EPAs are not obligations to be undertaken at all cost. Rather, they are to be concluded by those regions and countries that consider themselves “able” and “willing” to do so.

On the principles and coverage of the EPA, while the ACP Group generally agrees with the EU on negotiating EPAs as FTAs based on regional integration frameworks, making them WTO compatible, respecting the different levels of development (principle of differentiation) and making them tools for development, unfortunately, there have been disagreements over some other aspects. For example, the Group disagreed and continue to oppose the EPAs covering trade in services, the

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<sup>54</sup>See also Curran et al. 2008 and European Commission. 2007b.

inclusion of rules on investment, competition, and public procurement (the so-called “WTO-plus” issues) as proposed by the EU (Gonzales 2010; Heron 2011; Hurt 2012; South Centre 2005, 2008b, c). The ACP partners’ disagreements over those issues were reiterated several times during interviews with ACP stakeholders, especially in interviews 4, 5, 7, 8, 18, 21, 22, 26, 37 and 40.

Again, the ACP side have disagreement with the interpretations of the WTO rules regarding the adherence to the “reciprocity of obligations” in the establishment of FTAs between “developed” and “developing” regions. This disagreement was evident in the 2004 submission sent to the WTO by the ACP Group on “Developmental Aspects of Regional Trade Agreements and Special and Differential Treatment in WTO Rules: GATT 1994 Article XXIV and the Enabling Clause (see ACP Group of States 2004; Borrmann et al. 2006). In 2005, the ACP side called on the EU to support their submitted proposal to the WTO on the modification of the rules on the establishment of regional trade agreements (RTAs) and Article XXIV of GATT 1994 (ACP Council of Ministers 2005a, paragraph 6).

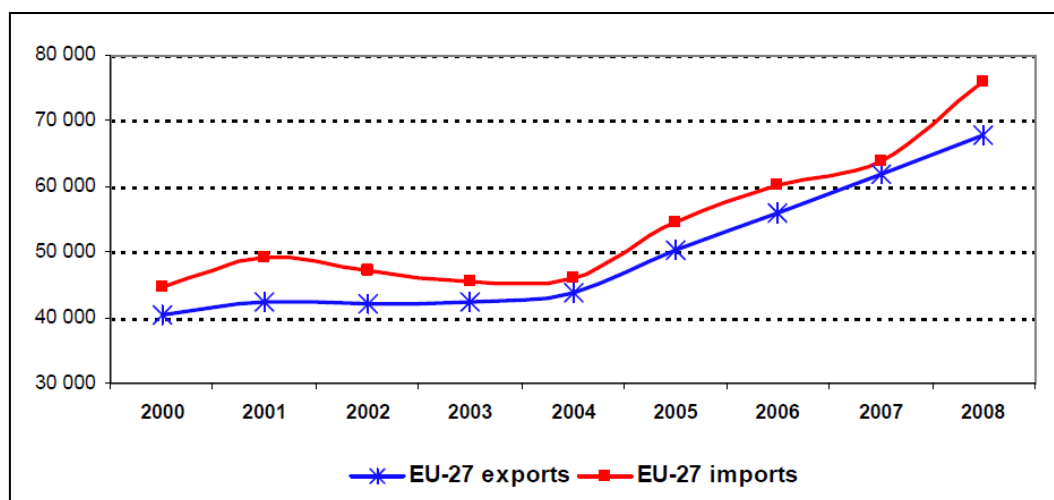
Furthermore at their 81<sup>st</sup> Council meeting ,the ACP Council of Ministers in 2005, stressed “that economic partnership agreements (EPAs) must be designed to achieve long-term development, economic growth and poverty reduction in ACP countries” and on that basis called on the EU to “take a non-mercantilist approach and put development first and integral to the EPA negotiations” while allowing “each ACP State and Region to make its own decisions on the timing, pace, sequencing, and product coverage of market opening in line with individual countries’ national development plans and poverty reduction strategies” (ACP Council of Ministers 2005b, paragraph 18). Based on their many concerns and objections on the proposed EPAs, the ACP side called on the EU to reconsider its negotiating directives:

“The ACP Council of Ministers, ...Calls on the EU to seriously consider the numerous concerns expressed by the ACP Group and in this regard request the EU to adjust its (*EPA*) negotiating directives as appropriate” (ACP Council of Ministers 2005a, paragraph 14, emphasis added).

With the above clashes of interests and expectations between the EU and the ACP Group, their ZOPA of EPA was rather slim. In the Group’s expectation, the EPA negotiations had to be in line with their capabilities and aspirations, which was not forthcoming from the EU side.

The question then remains, why would the ACP Group agree on the broader aims of EPA but oppose almost every specific proposal of the EU in the EPA? The reason is the sheer disparities between the parties and the expectation on the ACP side that they would be getting the smaller portion of the proverbial pie of the EPA. Several impact assessments studies on the EPAs painted a negative picture for the ACP side as pointed out already in this chapter. For instance, because of the removal of barrier to trade under EPA regime, one study finds that while EU's exports to the ACP Group would increase up to €29.4 billion by 2035 (from about €14 billion currently), that of ACP exports would fall by €6.5 billion (Bouet et al. 2007:7; Kabuleeta and Hanson 2008:2). Other studies corroborating this finding include (Fontagné et al. 2008a, b; Fontagné et al. 2009; Government of Nigeria 2005; Karingi et al. 2005b; Morrissey and Zgovu 2007; Pozzi et al. 2005; PricewaterhouseCoopers 2004). Moreover, there is a recent increasing trend of EU import and export to the ACP Group as can be seen in Figure 11.

**Figure 11: EU exports and imports to/from ACP Group (in EUR million)**



**Source:** Xenellis (2009:2), citing Eurostat (DS\_018995).

This increasing trend in trading volumes of the EU and the Union's demand for reciprocal market access into ACP markets creates the impression of the former wanting to "take advantage" of the latter's economies.

Moreover, on the basis of interviews and official documents reviewed, it is seen that the ACP Group based on their prevailing situation in terms of lacking the



capacity to trade have explicitly and implicitly being doubting the “good news” preached to them by the EU on EPAs. They were in hesitation as to how in the absence of EU’s direct funding for EPA adjustment costs; they will be able to improve their 5% share of EU’s total value of all trade in goods (European Commission 2013c, 2014d; Xenellis 2009). The ACP Group at the all-membership level thus did not have a ZOPA for EPA with reference to the original proposal of EU.

Consequently, even though the ACP Group agreed on broader goals and principles when it came to the specific details of designing the EPA, it was not enthused about many of the requirements for “reciprocity” as required by the WTO and interpreted by the EU. That in addition to EU’s insistence on a number of “WTO-plus” rules in the EPAs and its refusal to offer specific funding for EPA adjustment costs (as consistently requested by the ACP side), suggest that the Zone Of Possible Agreement was non-existence in phase I of the negotiations. Each side wanted a bigger share of the pie - a better part of the EPA while leaving little room for finding compromises. It is only during phase II negotiations that some additional concessions from both sides would create a ZOPA. Having described the situation of ZOPA, the next sub-section then considers the dominant negotiation strategies pursued by the EU and the ACP partners during the EPA negotiations.

### **EPA Negotiation Strategies followed by the EU and the ACP Group**

The absence of a ZOPA at the all-ACP-EU level of negotiations, leading to the elapsing of 2007 deadline and the EU carrying out its threats of imposing GSP tariffs on “recalcitrant” non-LDC ACP States (European Commission 2009a:8; South Centre 2008c:5) which did not sign full or interim EPAs, and the subsequently “ultimatum” of 1<sup>st</sup> October 2014 deadline for ACP countries with initialled but unratified interim EPA to lose their market access (which was extended by the European Parliament to 2016 but rejected by the Council) (Council of the European Union 2007d; European Commission 2011a, e) and the actual implementation of that treat are depictions of a dominant EU’s distributive strategies in action. The same goes for the ACP Group. The Group’s inability to find a compromise with the EU on

several issues, despite having broadly supported the EPA initiative is a depiction of its distributive strategy in use.

Described sometimes as a “zero-sum”, “competitive”, “value claiming” or “win-lose” approach that is designed to secure the biggest slice possible of the proverbial pie for one side, and in effect leaving the other party with the smallest of the pie as possible (Alfredson and Cungu 2008:7), distributive strategy in use by a negotiating party is identifiable. In the case under review, the question would be, can such behaviour be seen among the parties? Alternatively, have the EU and the ACP Group been employing the opposite (integrative) strategy? As pointed out earlier, by contrast, the integrative strategy comes across as a “win-win” approach. It employs “problem-solving”, “value creation” approach-where innovative ways of “expanding the pie,” are considered to ensure all parties of the negotiation are “mutually” satisfied (see Alfredson and Cungu 2008:15). A close examination of the facts of negotiation behaviours and concessions trading and the impossibility of finding a ZOPA as described above reveal the dominance of distributive strategies, rather than integrative ones on the side of both EU and the ACP Group.

The main ways those dominant strategies would manifest in the course of the negotiations were through the *lack of consensus* on many of the issues of negotiations as highlighted below. The negotiations were full of “divergences” between the parties. Several proposals and counter proposals were made. For instance, on market access, EU’s initial proposal in July 2002 was to seek a higher level of reciprocal market access putting it at least 90 percent over a transition period of 10 years while respecting the principle of differentiation in the ACP region (Borrmann et al. 2006:118). However, the ACP Group would not take that proposal. The ACP Group made a counter proposal that the transition period to a full liberalisation under EPA should be at least 18 years with a five-year moratorium before liberalisation starts (ibid.). It was also in their proposal to have “a review process intended to ensure that the transitional phase does not end before the economies of the participating ACP countries have reached a specific level of development” (Borrmann et al. 2006:119). However, that proposal by ACP Group was rejected by the EU which argued against extremely long transitional periods for the EPAs as that might end up becoming a “non-reciprocal” FTA and hence

incompatible with the WTO rules – a situation EPAs are to correct (ibid.). Instead, the EU proposed that there should be a “binding, tightly formulated liberalisation time schedules which should, however, be tailored to the specific needs of the LDCs in particular, i.e. possibly exceeding the ten-year standard” (ibid.). In May 2005 at the WTO Doha negotiations, the EU changed its initial position slightly, giving in to the possibility of the extended transition period for “developing countries” (Borrmann et al. 2006:119). It was believed that that same proposal would be extended to the EPA with ACP, but then the Doha Round which would give the global framework for the EPA never happened - a situation which led to the protraction of the EPA negotiation processes.

On trade in service, the ACP leaders contended that they had not agreed to negotiate on trade in services under the Cotonou Agreement but the EU insisted it was in principle part of the agreement in Cotonou (see Borrmann et al. 2006:119). Also, while there was broader agreement on the need for EPAs to be of asymmetry and give room for “Special and Differential Treatment” for the ACP side, the question remained “asymmetry and differentiation to what extent?” - That would also be a bane of progress in the negotiations. As pointed out several times, by their declarations and resolutions, the ACP side kept disagreeing with the EU and the EU side kept dismissing the concerns of the ACP Group.

Base on the negotiation behaviour of both EU and the ACP Group as briefly described above, it is seen that both parties had “distributive” negotiation strategies as their dominant strategies in the phase 1 all-ACP and EU EPA negotiations. In the next section, the specific negotiation *tactics* consistent with the strategies adopted by both EU and the ACP Group are identified and discussed.

### ***Negotiation Tactics Used By Parties in EPA Negotiations***

#### ***I. Negotiation Tactics of EU***

In the pursuance of its dominant distributive negotiation strategy, the European Union throughout the EPA negotiations adopted a mixture of tactics towards ACP Group as a whole and in relation with the ACP regions negotiating EPA based on its

“defensive” or “offensive” interest in specific regions.<sup>55</sup> For instance, in their uncharitable assessment of EU’s use of tactics during the EPA negotiations Griffith et al. (2007) observe that, EU’s EPA proposal and negotiation behaviour have been dismissive (of ACP proposals), disregard (for ACP institutions and processes), “forcing” (negotiation on the Singapore Issues” when the ACP side said no to them); “Manipulating” (giving of aid as incentives for signing EPA); “Threatening” (loss of market access), and “Exclusive” (of dissenting voices) (Griffith et al. 2007:13-24). Those are some of the important tactics employed by the EU consistent with the dominant distributive strategy identified above. Key of such tactics are identified and discussed below.

***i. Breaking ACP Group’s Solidarity:***

In relation with the entire ACP Group, regarding its aim of getting them to sign onto Economic Partnership Agreements, the EU is accused of using the age-long “divide and rule strategy” as severally pointed out by some scholars and practitioners (Adedeji 2012; Canterbury 2010; Canterbury 2009; McDonald et al. 2013; Sicurelli 2009; Sonia and Fioramonti 2009) or a “divide and conquer” strategy (Handley and Tandon 2010:1; Tandon 2010:7). This is also pointed out in a 2006 resolution by ACP Council of Ministers, which in acknowledging that strategy of EU, stated that,

“The ACP council of Ministers... urge the European Commission to respect the formal negotiation process and to *desist from exerting pressure* at the highest political level by *taking advantage of the information gap* that may exist between the negotiators and the political leadership” (ACP Council of Ministers 2006).

This strategy had long been considered from the time of discussing the possible successor to Cotonou in the 1996 Green Paper –where the EU proposed negotiation separate EPAs with each of the ACP regions (European Commission 1996). The ACP side consistently preferred to negotiate together and considered negotiating a

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<sup>55</sup>Even though according to Curan et al. (2008:535), unlike other traditional trade negotiations, in the course of the EPAs negotiations the European Commission has not been subjected to any significant lobbying by EU industries for either tariff protection or market access in the ACP regions, based on the inclusion of MFN provision targeting emerging markets, the EU could not be described as having no “offensive” interest at all in the ACP countries. Critics have also cited the EU’s 2008 “raw materials” policy initiative as a way of trying to secure its interest in the ACP regions in competition with the emerging powers. See Curtis 2010; European Commission. 2008b; Hall 2008.

single EPA with the EU.<sup>56</sup> It was the latter that did not support that option citing the need for differential treatment for the very diverse ACP Group as a reason (see Bilal 2002b:6; McQueen 1998a:438). Citing EU's approach to the EPA negotiation as a "divide and rule" strategy, Canterbury (2010) states that,

"Undoubtedly, the EPAs divide rather than unite the ACP states making it easier for the European bloc imperialism to operate. ... "The EPA is the latest divide and rule strategy employed by Europe in the ACP region, .."(2010:98)

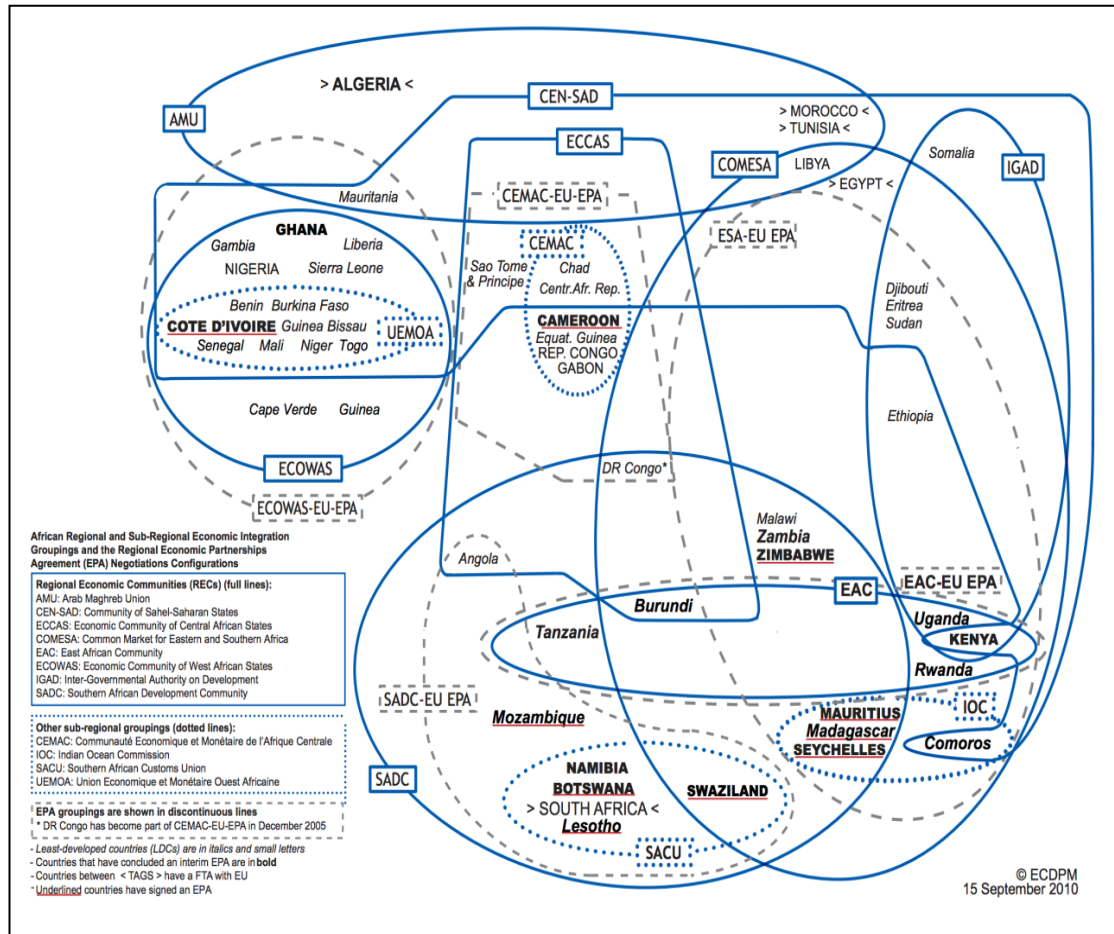
An examination of the evidence and the reality of the EPA negotiations show that the EU through the European Commission adamantly pursued its goal of establishing Regional EPAs with separate ACP regions and sub-regions and in the process applied a tactic of "divide and rule". ACP regions negotiating separate EPAs with the EU made them subservient unto the EU – as they were even much weaker than their structurally weak ACP Group - and they easily gave in to EU's pressure. The outcome of that is seen in one ACP region (based on its regional interest) signing the full regional EPA in 2008 while others signed onto interim EPA and some other regions persisting in their resistance to EU at the time.

The eventual regionally based EPA negotiations and its attendant division among the ranks of ACP regional integration communities reinforced the belief that the EU had been implementing a divide and rule approach. That is supported by two occurrences; Firstly, as can be seen in Figure 12 below, the EPA negotiation configurations in some cases ran contrary to existing regional integration communities because it did not go along those existing RECs and hence created overlapping membership situations (ECDPM 2008b, 2010a; Kabuleeta and Hanson 2008)

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<sup>56</sup>According to a former Chairman of ACP Committee of Ambassadors and a former Caribbean EPA Lead Negotiator on Services and Investment, "In the transit toward reciprocity, the 79 ACP States sought in a first phase to negotiate jointly with the EU to preserve the solidarity that has always existed..." (see Camilo 2006:2).

**Figure 12: EPA Negotiating Configurations in Africa**



Source: ECDPM (2010a), available online at <http://ecdpm.org/wp-content/uploads/2013/11/Regional-Groupings-EPA-Negotiation-Configurations.png>, accessed on 24 June 2014.

Secondly, the scramble of some ACP regions and countries to align themselves with EU's EPA demands in 2008, as pointed out by the then ACP Secretary General Kaputin, created a situation where members of same regional integration group were captured under different trading schemes - thereby creating complexities in their regional integration schemes.<sup>57</sup> In an interview, Kaputin describes how individual ACP regions were seen “splintering and individual countries parting ways with others to conclude and initial bilateral agreements with the EU” being “driven by

<sup>57</sup>Three different trading schemes emerged. Those countries which signed the interim EPA had it as their new trading scheme. LDCs that did not sign traded under Everything But Arms (EBA) scheme; and non-LDCs that did not sign EPAs traded under the Generalised System of Preference (GSP) scheme.

sovereign national trade interests” (ECDPM 2008a:11-14). He said it was seen that “in some cases, their position was at variance with the regional approach and compromised the solidarity of the region” (ibid.). In addition, from where he sat as the Secretary-General of the ACP Group, “[he could] describe the process towards the initialling as one fraught with panic, confusion and disagreements at the national and regional level” (ibid.). At both levels, viewpoints differed between technicians and politicians on whether or not to initial (see ECDPM 2008a:11-14). That development of EPA negotiations encountered the displeasure of many in the ACP Group who described it as an opposite result of what EPA had been anticipated to do – to promote regional integration and not “regional disintegration” (ACP Council of Ministers 2007b; Akosile 2006; Hurt 2012; Stevens et al. 2008).<sup>58</sup>

Consequently, it is argued here that, in the absence of an overarching *distributive strategy* of the EU (as explained in Chapter 3 and immediately above), the EU could have found ways of resolving the “persistent disagreements” on the EPA while refraining from the pressure it is widely accused of having applied.

## ***ii. Use of Rhetoric and Double Talk:***

The second category of tactics identified with the EU in the course of the EPA negotiations was what could be termed “pleasing rhetoric” and “double talks”. In the early days of the EPA negotiations, there were passionate statements and declarations mixed with both appeal to and accusations of EU from among ACP institutions and countries. What was clear from those issued declarations and resolutions (as widely cited in this study) in the wave of the negotiations was that there was a “general unease at the perceived *disconnect* between the EC’s rhetoric that EPAs are intended to be tools for development, what is actually happening in the EPA context to ensure this, and the impact of concerted campaigning by civil society

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<sup>58</sup>The ACP Council of Ministers strongly criticised the EU for the processes leading to the signing of interim EPA which was going to be a stumbling block in ACP regional integration processes; “Ministers deplore the enormous pressure that has been brought to bear on the ACP States by the European Commission to initial the interim trade arrangements, contrary to the spirit of the ACP-EU partnership. Ministers observed that the recent statements and pronouncements made by European Commission to the media and other fora, are at variance with the demands being made to the ACP negotiating regions and States. Ministers observed that European Union’s mercantilist interests have taken precedence over the ACP’s developmental and regional integration interests. See ACP Council of Ministers. 2007b.

in many Member State” (Julian 2005:7, emphasis added). For instance, in one of their many declarations, the ACP Group expressed “regret at the disconnect between the public statements of the EC Commissioners of Trade and Development on the development aspect of EPAs and the actual positions adopted during EPA negotiating sessions” (cited in Julian 2005:6). The Group, therefore, called for the EPA negotiations to proceed with an adoption of measures, and the provision of resources to help the ACP implement policies that will result in the transformation of their economies (ibid.). While the reasons for such disconnection between public statements and actual negotiating positions may be more nuanced, one could not categorically exonerate the EU from a possible deliberate *tactic* to mislead the ACP side with such rhetorical statements and double talks— especially as the ACP Group had a course to complaint about that several times.

### *iii. Unilateral Actions of EU:*

A third identified tactics used by the EU in the EPA negotiation is seen in the Union’s unilateral actions. In a statement in 2010, the President of the ACP Council of Minister explained as to why the ACP Group felt the EU was short-changing the Group in the EPA negotiations process mainly because the agenda of the EPA policy was no longer a shared venture as originally envisaged. The ACP Council President in that statement stated that, it was the contention of the ACP Group that;

“the conclusion and smooth implementation of comprehensive and balanced Economic Partnership Agreements, that would help to speed up the sustainable development of the ACP States and the strengthening of regional integration, must remain a *joint and shared* aim of the ACP and the EU” (ACP Secretariat 2010, emphasis added)

However, her contention was that, throughout the negotiation process, it was observable that, EU unilaterally decided on a number of issues and hence alienated the ACP Group in the process. She felt the EPA negotiation was no longer headed in the right direction as far as the ACP Group was concerned:

“You will recall that the ACP entered into EPA negotiations under the premise that EPAs would be tools for development through trade. We never envisaged the latter as being an end in itself, and that is why we have been very concerned to see the trend that these negotiations have taken” (cited in ACP Secretariat 2010)

In the view of the ACP Council President, “there [was] a big difference in policy pronouncements at EU level and actual practice at technical level during



negotiations” and for that reason, the ACP Group even felt the need for the Council of the EU to “issue new policy guidelines for the negotiations” (ACP Secretariat 2010). The perception there was that the European Commission was probably acting on its own on some of the proposals and hence the request to bring the Commission to “order” with a new directive.<sup>59</sup>

Still lamenting the unilateral deadlines set by the EU, the ACP Council of Minister in 2014 blamed the lack of a meeting between EU and some ACP regions negotiating EPA for over 3 years on “unilateral conditions being set by the EU side” (ACP Council of Ministers 2014). The same statement accused EU as having “remained intransigent on key issues, mainly of interest to the EU, some of which are not related to trade, in spite of the looming deadline unilaterally imposed by the EU side” (ibid.). It is thus clear that unilateral actions or lack of cooperation, one of the behaviours consistent with distributive strategy in negotiations has been at play in the way EU has negotiated the EPA with the ACP Group.

#### iv. *Argumentation and Persuasion:*

The fourth negotiation tactics used by the EU had to do with argumentation and persuasions. Earlier on in the negotiations, EU used reasoning and argumentations in favour of all the topics it proposed to be covered under the EPA as “guaranteed” way of bringing about economic development in the ACP regions. The EU argued that “EPAs will foster development, mainly through trade liberalisation and the creation of the right policy framework to attract investment” (Bilal and Rampa 2005:2). The key assumption was and is that, by the establishment of FTA between the ACP regions and the EU, the EPAs will result in some automatic benefits such as “increased market access to the EU, reduced prices of EU imports for ACP consumers, and associated competitive effects should foster economic growth and hence development” (ibid.). Additionally, the EPAs as they are based on regional integration, will “contribute to the establishment of effective regional

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<sup>59</sup>Due to the secrecy of the EU Negotiation Directives, it is however difficult to tell if the request for a new directive was considered. A plausible conclusion one could draw is that, as there was not significant change in the Commission’s negotiation positions over the course of the negotiation, there was no change of the directive.

markets” which will then attract and stimulate investment in the ACP regions – which would be “a necessary condition for sustainable development” (ibid.).

Thus, in the view of the EU, the EPAs should address both tariff and non-tariff barriers as well as technical barriers to trade in addition to other trade-related issues such as trade facilitation, competition, and investment (Bilal and Rampa 2005:2). Based on these argumentations, EU proposed EPAs to cover trade in goods and trade in service as well as cover agricultural products and be comprehensive enough to address all trade and trader-related issues that will “lock in” the necessary reforms in the ACP region and help them to be integrated into the global economy (ibid.). More so, on development financing in relations with the EPA, the EU argued that it could not be the only source of funding and that the ACP Group should find “possible complementary support by other donors” in addition to what it could voluntarily provide (ibid.). On all the major topics and issues proposed in the EPA negotiations, the EU thus advanced argumentations and reasoning behind them. Unfortunately, those were not always convincing to the ACP partners who made counter-arguments (as pointed out below). When persuasions, fails, it is said, force is applied. That says leads to the fifth and final tactic used by the EU in the negotiations.

***v. EU's Use of Coercion, Threat & Pressure as Tactics in the EPA negotiations:***

Fifth and finally, coercion, threats, and pressure are considered as additional tactics used by the EU during the EPA negotiations. Throughout the EPA negotiation processes – both at all-ACP level and the Regional Economic Community levels - the EU's actions and inactions, and negotiating strategies and tactics were impactful and consequential on the processes. Key reference points were the immediate period leading to the 2008 deadlines and also in November 2011 when a decision was taken to withdraw Market Access Regulation (MAR 1528), that maintained the Cotonou trade preferences for the 35 ACP countries that had initialled interim EPAs pending ratification.

Describing the EPA negotiation process, the then Secretary General of ACP Group, Sir John Kaputin as highlighted above, links the partition and the haste on the

part of some ACP regions and countries to sign interim EPAs with EU to a Communication issued by the latter on 23 October 2007;

“the EU Commission issued a communication on EPAs on October 23, 2007, which provided a sort of road-map based on signing interim agreements as the only way of stemming the disruption of trade. This diverted the focus of most ACP regions to this new proposal. In the end, we saw regions splintering and individual countries parting ways with others to conclude and initial bilateral agreements with the EU. The decisions of ACP States were driven by sovereign national trade interests (cited in ECDPM 2008a:12)

It is seen that the unilateral action by the EU to propose interim EPAs as a measure overcome the protracted negotiations in an attempt to meet WTO deadline resulted in an anxious reaction among the ACP countries.

Whilst the EU employed the tactic of putting pressure on the ACP regions to sign the EPA, unfortunately that actions created disunity among the ACP Group. Mincing no word, at the time Mr Kaputin described that process “as one fraught with panic, confusion and disagreements at the national and regional level” (ibid.). That chaotic situation could have been avoided if the EU was more cooperative and receptive to the concerns raised by the ACP Group at the period leading to the WTO deadline. Of course realising that the WTO deadline was coming and having taken the position that the WTO deadline must be respected at all cost, the EU claimed, it had no option than to do what it did but in the view of the then Secretary-General of the ACP Group, Sir John Kaputin “The ACP Group regrets that in nearly all cases, the agreements were initialled under the *great pressure of time*”, (cited in ECDPM 2008a, emphasis added).

In their communique in 2008, the ACP Heads of State equally bemoaned EU’s use of pressure;

“We, the Heads of State and Government of the Africa, Caribbean and Pacific Group of States (ACP); Meeting at our Sixth Summit in Accra, Ghana from 2 - 3 October 2008; Having considered the negotiations and process of the Economic Partnership Agreement (EPAs) between our States and the European Union;...*Concerned about the undue pressure* that is being put on some ACP countries *to move forward to signing and ratification of interim or final EPA’s before legitimate concerns have been adequately addressed ...*” (ACP Heads of State and Government 2008, emphasis added).

Those acrimonies generated in 2007-2008 reinforced the perception that the EU had an offensive interest in the ACP Group - especially which was the perception in Africa which would go on to hunt the EPA negotiation process.

By way of concluding the discussion on EU's use of a dominant distributive EPA negotiation strategy and its tactics, the ongoing discussion has highlighted some of the evidence associated with distributive negotiation strategy and tactics as for instance argued by Alfredson and Cungu (2008). Namely, *Coercion* where there is a use of force or the threat of force to wrestle concessions from an opponent; *Opening the negotiation with strong and higher demands* than was realistically achievable; and the "*Salami tactics*" where the negotiation party will be at ease to prolong a negotiation and giving concessions little by little when it can no longer be avoided in order to placate the other side (ibid:7). All three tactics were witnessed during the course of the EPA negotiations as demonstrated above. The use of coercion and or threat to cause the signing of the agreement was used by the EU in 2008 and subsequently in 2014 with unilateral deadlines set for the ACP countries. The EU also started the negotiations with a high demand for market access of 90% of liberalisation within a transition period of 10 years, when the EPAs are with some of the world's poorest group of countries and knowing that the GATT/WTO article XXIV requirement of "substantially all trade" was not clearly defined. Finally, the salami tactic was also used, as the EU allowed for much time of negotiations after the 2007 WTO deadline and in some cases up to 3 years of no activity (e.g. EU-Pacific negotiations) while only giving incremental concessions.

In addition, as shown above, there were other indications of non-cooperation tactics such as "divide and rule", dismissal of concerns of the ACP Group, use of rhetoric and unilateral actions that are usually associated with distributive strategy also found in EU's negotiation behaviour. Those did not help the negotiations to proceed to their conclusions as seen with the majority of the ACP regions. Having exhausted the negotiation tactics used by the EU above, the next sub-section considers the tactics pursued by the ACP Group.

## ***II. Negotiation Tactics of the ACP Group***

Equally, on the part of the ACP Group, five categories of tactics are identified and discussed below. It begins with counter-arguments the Group used in response to claims by the EU.

### **i. Counter-Arguments:**

Firstly, of its parts, the ACP Group made counter-arguments in response to EU's argumentation and strongly believes, for instance, in the automatic benefits arising from neo-liberal policies being pursued with the EPA negotiations. While the ACP Group agreed with the EU on "the potential development opportunities in an EPA, they tend to consider trade liberalisation and regional integration as necessary" but not "sufficient conditions to foster development and alleviate poverty" (Bilal and Rampa 2005:2). It was the ACP Group's argument that, they equally need to have the capacity to be able to take advantage of the opportunities created as such their capacity building and EPA adjustments costs should be fully part of the EPA formulation and implementation (ibid.). The use of argumentation and counter-argumentation as tactics became part and parcel of the EPA negotiation to each other persuade. For instance, the EU would "argue that EPA negotiations should focus on trade matters and that the development component should be dealt with, not in the EPA trade negotiations, but in the framework of the Regional Preparatory Task Forces (RPTFs) established to link the EPA negotiations and development and financial cooperation" (Julian 2005:7). However, the lack of conviction about EC's argument and the persistent call for additional finance by the ACP group throughout the negotiation and the EU's insistent on its original position amounted to tension and lack of trust in the process.

A case in point where ACP Group made counter-argument was against EU's resistance to considering the need to grant additional funding for the ACP Group. In a report about the evaluation of the negotiation in 2007, the ACP Group repeated its concerns about EU's lack of readiness to discuss issues of *additional funding* under EPA:

"The EC reluctance to discuss these issues in the EPA negotiating sessions has created tension and frustration with the ACP. In particular, the EC has required that the issue of development financing in support of an EPA be addressed, not in the EPA negotiations themselves, but through the Regional Preparatory Task Forces (RPTF)"(ECDPM 2007b:10).

It was accordingly the argument of the EU that, as EPAs are meant to create FTAs between itself and the ACP regions, the negotiating on additional development financing could not be considered. Any discussion on that topic could therefore only be considered under the auspices of RPTF, which were joint umbrella body created

to design a coherent link between the EPA policy and existing development cooperation. However, the ACP regions were not convinced that that scheme of things would guarantee their request for additional funding before EPAs are signed. That scepticism was based on the fact that, in their view, “the RPTFs [had] not proven to be the most effective tools” for them to “get a commitment on the development support aspects” of the EPAs (ibid.).<sup>60</sup>

The use of argumentation and persuasion are thus seen as negotiation tactics employed to convince each other on the EPA and its contents –especially in relations to the goal of making EPA a purely trade or trade and development agreement.

In the end, EU’s goals of making EPA as a pure trade deal was in part abandoned as the CARIFORUM EPA, for instance, contains several references on the mobilisation of resources under Aid for Trade scheme in support for the region. Although the financial supports promised are not legally binding, the EU has made political commitments to the ACP regions concerned and will have to keep them in the coming years.

## **ii. Expression of Concerns:**

Secondly, the ACP Group also used the expression of concerns in responding to EU’s use of threat and pressure. For instance, in response to perceived force by the EU’s withdrawal of market access for some countries which did not sign the interim EPA in 2008, and after another deadline of October 2014, the ACP Group in a resolution on EPA following a meeting in Nairobi in 2014; expressed concern that “in spite of numerous presentations by the ACP side, the EU proceeded to amend the EC Regulation 1528/2007 that will result in the withdrawal of a group of ACP States from market access benefits with effect from 1 October 2014” (ACP Council of Ministers 2014). EU’s action was a tactic to put pressure on ACP regions to conclude their regional EPAs or ratify their bilateral interim EPAs.

In another expression of concerns, after several years of negotiations, the ACP Council of Ministers still expressed concerns about a listed number of contentions the Group still had with the EU even about *definitions*: “Concerned, that

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<sup>60</sup>It was perceived that the officials who constituted the Taskforce lacked the political power to make the necessary decisions and commitments expected (confirmed in interview 21).

contentious issues still remain including in the areas of *definition* of substantially all trade (SAT) and time frames for liberalization, rules of origin, MFN clause, export taxes, trade distorting domestic and export subsidies, additionality of resources, quantitative restrictions, relations with countries that are in a customs union with the European Union (including Turkey, St Martin and Andorra), development of benchmarks, indicators and targets for monitoring the implementation of the agreements and non-execution clause” (ACP Council of Ministers 2014). Clearly, if the EU had not pushed for separate regional EPAs, there was not going to be EPA at all at the all-ACP and EU levels.

Additional evidence of the ACP Group’s expressions of reservations in relations to what they categorically term EU’s use of “pressure” on them to sign EPAs without properly addressing their concerns are replete in official and unofficial documents since the EPA negotiation started (see ACP Council of Ministers 2006; Devarakonda 2014; Global CSOs against EPA 2013; Griffith et al. 2007).

### *iii. Lobbying:*

Thirdly, the ACP Group resort to lobbying “friendly” EU Member States and institutions for the consideration of their concerns on the EPA. After coming under severe pressure to sign the EPA in 2008, a Summit of ACP Heads of States and Government decision was taken to lobby governments of EU Members on the EPA:

“... that ACP Heads of State and Government, represented by the Chairs of the African Union, CARIFORUM and the Pacific Forum, and headed by the President of the ACP Summit, *engage in high-level consultations on the EPAs, with a number of EU member States*; To instruct the President of Council and the Secretary-General to explore by the end of October 2008, modalities for conducting this high level engagement with key stakeholders in the European Union;...” (ACP Heads of State and Government 2008).

Despite the ACP Group engagement in lobbying of some Member States of EU and EU Institutions since the EPA negotiation started, especially the European Parliament and their undertaking of joint declaration through the Joint ACP-EU Parliamentary Assembly on European Commission’s negotiating strategies and lack of consideration of the concerns (see ACP-EU JPA 1998, 2002, 2004, 2006, 2007, 2009a, b, c, 2010, 2013; European Parliament 2008; European Union 2008b), the

effectiveness and the impact of that effort is deemed marginal due to the continuous lack of progress on the same contentious issues.<sup>61</sup>

#### **iv. Calling on the EU to act on an issue:**

The fourth tactic and negotiation behaviour of the ACP Group has to do with the Group's calling on the EU to deliver on an action. In relation to a lack of concrete development support on EPA, ACP was getting apprehensive at some point. For instance, a statement issued in May 2006 by the ACP Trade Ministers called for a new negotiating mandate for the Commission. It stated that; "in view of the complete lack of delivery so far on the development component of EPA negotiations, [we] request the EU Council and its EU Member States to urgently review the negotiating directives of June 2002 and the current negotiating structure" (cited in Griffith et al. 2007:10).

Similarly, the ACP Ministers of Finance and Economic Affairs in April 2005, called on the EU to put the development dimension first in the EPA negotiations, and allow each ACP State and Region the flexibility to make its own decisions on the timing, pace, sequencing and product coverage of market opening in line with an individual country's national development plan and poverty reduction strategies (ACP Council of Ministers 2005b, paragraph 18). Whiles those calls to action were many; the responses from the EU were not forthcoming as were expected in most cases.

#### **v. Name Calling:**

Fifthly and finally, name calling is yet another tactic used by the ACP Group in response to the behaviour of the EU in the course of the EPA negotiations. In a statement in 2005 that suggest the EU was being "mercantilist" with the EPA negotiations, the ACP Group called on the EU to "take a *non-mercantilist* approach and put development first" in the EPA negotiations (ACP Council of Ministers 2005b, paragraph 18, emphasis added). In line with its dominant distributive strategy, the ACP Group would continue to resort to name calling of the EU in reaction to some

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<sup>61</sup>In an interview with a EU-ACP Trade expert who has written and followed the EPA negotiations from the very beginning, lamented about the poor use of lobbying as a tactic by the ACP Group and the regional groups during the EPA negotiations. In his certain divergences could have easily been addressed politically in the ACP Group had been effective at lobbying (interview 36)



of EU's tactics in the negotiations. For instance in a resolution on EPA following a meeting in Nairobi in 2014; the ACP Council of Ministers expressed concern about the lack of progress in some EPA negotiations because they are "still encumbered with the lack of convergence on important areas, *despite the goodwill and flexibility* demonstrated by the ACP side" (ACP Council of Ministers 2014, emphasis added). This means, the lack of progress was due to the lack of goodwill and inflexibility of EU.

To close this sub-section, the above represents an account of the tactics used by the ACP Group in its predominantly distributive EPA negotiation strategy. The Group used counter-arguments, lobbying, name-calling, expressions of concerns and calling on the EU to undertake specific actions as tactics of EPA negotiations. Those are indications of behaviours that are not integrative (problem-solving) in nature and hence contributed to the non-conclusion of the EPA. The section below briefly summarizes the impact of the predominantly distributive EPA negotiation strategies on the outcome of the negotiations.

### **Impact of Dominant Negotiation Strategies on EU-all-ACP level EPA negotiation Outcomes**

How then did the dominance of distributive strategies and tactics of both EU and ACP Group impact the EPA negotiations? It can be inferred from the above discussion that by taking a win-lose posture of the EPAs, both the ACP Group and the EU's responses to each other depict a hard negotiation and distributive tactics in place. The two parties at the global level are mutually worse-off according to distributive negotiation assumptions (see Narlikar and Odell 2006; Srivastava 2008:28-29). The major impact of the chosen strategies and tactics was thus there could be no conclusion to the negotiations at phase 1. With the negotiations having featured almost all the "dos" of a distributive negotiation,<sup>62</sup> the acrimonious

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<sup>62</sup>According to Narlikar and Odell 2006 and Srivastava (2008), these could be when a negotiation, threatens to take action harmful to others unless they yield the desired concessions; actually imposes such penalties and implements its alternative to agreement; demands concessions for the benefit of his or her own country without offering concessions in exchange; criticizes the other country's or countries' actions or arrangements, blames them for the problem under discussion; attempts to exclude from the agenda issues on which her own country would probably have to make concessions; rejects or ignores demands for concessions or delays their consideration; establishes a commitment to a particular outcome, by means of some public action tied to that outcome such that accepting less

outcomes of the EPA negotiations were expected and that also affected the political relationship between the two long-term partners.

Finally, on the basis of the ongoing analysis, the proposed negotiation theory-based hypothesis in the study that, bi-regional trade negotiations do not conclude when the negotiating parties adopt distributional strategies instead of integrative strategies holds. In the following sections, the specific cases of CARIFORUM and ECOWAS strategies and that of the EU are evaluated and the hypothesis tested.

### **CARIFORUM-EU EPA Negotiation Strategies & Tactics**

Like all the ACP regions negotiating EPA with the EU, CARIFORUM had a number of fundamental differences with the EU- it had concerns about the WTO rules and their interpretations and how it should be applied to it in the context of the EPA. The Caribbean region thus joined other ACP regions in submitting a request for changing those WTO rules such as reciprocity, MFN clause, Special and Differential Treatment under regional trade agreements between developed and developing regions as was being demanded by the EU in the EPA negotiations (see ACP Group of States 2004). That earlier position of the Caribbean Forum notwithstanding, it became the first and only ACP region to endorse a comprehensive regional EPA with the EU covering all those issues. What negotiating strategy led to that outcome? Answering that question is the focus of this section.

Based on the evidence gathered through this study, it is argued that the EPA between CARIFORUM and the EU concluded because the region changed strategy from the all-ACP Group distributive strategy to an integrative one when it started its bi-regional EPA negotiations with the EU. Further proof of that claim is presented below.

The Caribbean Forum shifted from its initial distributive strategy to a dominant integrative strategy where it became willing and ready to approach the EPA negotiations from a problem-solving perspective when it started its bi-regional negotiations with the EU. That resulted in a win-win situation where EU secured what it wanted in the EPA that had been opposed earlier whereas the Caribbean also

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would be costly to the negotiator or her country; denies that he or she believes the other's commitments etc.

secured its interest. For instance, the concluded agreement covered trade in service, intellectual property right (IPR), Public Procurement, etc., as proposed by the EU. The Caribbean Forum on the other hand secured concessions in improved market access into the EU tourism and entertainment services and movement of business and services personnel into the EU on short term basis (see Humphrey 2008; Lodge 2008). It was thus the change in perspective on the EPA negotiations that led to a quicker establishment of the so-called ZOPA based on overlapping interests between CARIFORUM and the EU. In the remaining of this section, a number of evidence and reasons accounting for CARIFORUM and EU's dominant integrative strategies are discussed.

#### **i. CARIFORUM Come of Age:**

It is seen that the Caribbean broke ranks with the ACP solidarity-taking their own destiny into their own hands and re-strategized to conclude EPA whatever be the case by the set deadline. This is seen from the speech by Christopher Sinckler, the Foreign Minister of Barbados, at the EPA signature ceremony in 2008:

“Our signature of this agreement today represents a fundamental signal that Caribbean countries are maturely and *decidedly breaking with a long loved past* that in fact has now past” (Sinckler 2008, emphasis added). The Caribbean region, feeling matured than the other ACP regions, “decidedly” broke a long tradition of feeling inferior to and dependent on, the EU and assumed an “equal” posture to negotiate a “modern trade agreement” (see below) with the European Union. This posture of negotiation was confirmed in an interview with a former Caribbean Negotiator – who said that “they felt at par with EU negotiators” – they negotiated as equal partners and faced the European Commission negotiators squarely (interview 39). If they were not comfortable with a topic, they asked for time, did their own research about it and came back to face their “competitors”.<sup>63</sup> That Caribbean confidence was and has arguably been missing in the other ACP regions negotiating EPA – as they took to complaining on the EPA due to a feeling of losing out to the EU.

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<sup>63</sup>This was revealed to the Author though an interview with a former Caribbean negotiator (interview 39).

## **ii. CARIFORUM Past Experience of Negotiating Free Trade Agreements:**

It is also seen that the Caribbean “confidence and posture” in international trade negotiation mentioned above had been building for decades which helped the region to approach the EPA negotiations from a win-win perspective, unlike its ECOWAS counterpart. The region had some exposure to the establishment of Free Trade Agreements through its engagements in the Free Trade Area of the Americas (FTAA), under the CARICOM and the Organisation of East Caribbean States (OECS) (Lecomte 2001:18). That regional background demonstrates that the region was more ideologically “closer” to EU’s trade preferences than its African counterparts were. That occurrence also aided in the establishment of the ZOPA between EU and the CARIFORUM region for the EPA negotiations. This was also made possible with an experienced and well-resourced Regional Negotiating Machinery that was fully dedicated to external trade negotiation and was largely free from political interference (Bishop et al. 2013; Thorburn et al. 2010).

The Caribbean region started its “ideological” preparation for the EPA negotiations well ahead of time. It was pursuing “its objective of gradual integration into the global economy through wider economic integration” which was “aimed at achieving global competitiveness, honouring international commitments and creating strategic trade and economic partnerships” (European Commission and CARIFORUM 2003:8). That aim of achieving competitiveness manifested in the region’s engagements at the “WTO, FTAA and ACP/EU (EPA) negotiations at the same time that it is deepening and expanding its own arrangements” (ibid.). CARIFORUM by so doing was sequencing “its negotiations by developing positions across negotiations, linkages between negotiations and aiming for internal consistencies among negotiations” (ibid:8-9). The 1994 established Caribbean Regional Negotiation Machinery as at the helm of the region’s external trade agenda and so when it came to negotiating EPA, it was something they had been prepared and equipped to do (interviews 26, 34, 37, 38, 39, & 41).

## **iii. Integrative Strategy Possible due to less Internal Contestations:**

A combination of some degree of internal consultations and the absence of high contestations before and during the negotiation of EPA between EU and

CARIFORUM appear to have helped in the adoption of integrative negotiation strategy for the region which speeded up the negotiation processes. It is reported that consultations at the national level have been limited and uneven during the EPA negotiations. This is despite the CRNM's claim of conducting "national consultations in all CARIFORUM countries except the Bahamas between March and July 2006" (Thorburn et al. 2010:10). By implication, the "low levels of awareness of, or involvement in, the EPA process" among a significant number of non-state actors across the Caribbean made the establishment of Caribbean and EU EPA ZOPA easier – as there was largely no opposition to the negotiators and they had the independence to operate as they seemed "fit".

**iv. Alleged *Socialisation* of CARIFORUM Negotiators:**

Related to the above point, another reason for and evidence of the CARIFORUM's adoption of integrative strategy are a kind of socialisation that took place between EU and the Caribbean regions. In the view of an interviewee from the region, the CRNM, the lead negotiators of the EPA in the region were "socialised" by EU into believing in neo-liberal policies to the extent that, in some cases, "they were speaking *for* the EU and were seen to be defending EU's interest and not that of the CARIFORU Member States (interview 37). That perception of "socialisation" was supported by a former CARIFORUM negotiator who describes the relationship between the two negotiating parties as "cordial and very friendly" (interview 39). It is thus reasonable to conclude that, the kind of good relationship that existed between the negotiators coupled with the above-reported *independence* of the lead CARIFORUM EPA negotiators (the CRNM), contributed and facilitated the adoption of a regional *integrative* strategy towards the EPA negotiations.

**v. Overlapping interests and problem-solving mood of negotiations:**

The final evidence of the dominant integrative negotiation strategy pursued by the CARIFORUM is seen in the problem-solving mood that seems to have characterised the negotiations following the overlapping of interests and goals between the region and the EU. According to Henry S. Gill, a senior Director of

Caribbean Regional Negotiating Machinery - an organisation that led the EPA negotiations of CARIFORUM, their objectives for the EPA negotiations was to;

“minimise *negative impact* of liberalisation in all areas, particularly regarding LDCs; maximise *market access* in goods, Retain *preferences* & minimize preference erosion; Improve *services* access, particularly where the region can benefit in the short term; encourage *investment* that is environment-friendly; enhance *competitiveness* and *diversification* through innovation; protect and stimulate *SMEs*; Promote *regional integration*, economic cooperation and good governance; Conclude a *modern trade agreement*; keep *subjects manageable* avoiding politically or economically unacceptable ones; and secure *additional funding* for capacity building, integration support, EPA implementation, etc.” (Gill 2008:9-10, emphasis original).

It is observed that those objectives, largely overlapped with EU’s officially stated objectives for the regions EPA negotiations. According to Gill (2008), those included fostering regional integration conceived as single Caribbean economic space; using EPA for market building purposes; with non-commercial ambition; make EPAs reciprocal even for LDCs; and provide continued support for CARIFURUM development priorities” (Gill 2008, emphasis added). As observable, there many overlapping interests and a clear ZOPA established between the two regions, hence the negotiators switched into a joint problem-solving mood – a mood that facilitated the quicker conclusion of the EU-CARIFORUM EPA relative to the other negotiations between the EU and ACP regions.

Unlike their West African counterpart, the Caribbean region wanted to negotiate on trade in service just like EU wanted; they wanted to maximise access to trade in goods just like EU wanted; they wanted to improve their competitiveness, just like the EU wanted the EPA to build the Caribbean regional market; the region wanted to conclude a “modern” trade agreement in order to position in the region in the world economy, just like the EU wanted; etc. In several ways, therefore, there was a convergence of interest between the CARIFORUM and the EU such that the EPA negotiations for them became an act of a joint problem-solving which eventually resulted in an even *quicker* conclusion of that EPA negotiation as predicted by negotiation analysts.

In conclusion, it is found from the above analysis that the Caribbean region pursued an integrative strategy with the EU after the first level of all-ACP and EU negotiations which led to the conclusion of the EPA negotiations. As shown above, the pursuance of an integrative strategy which involves an attitude of “cooperation”

and “join efforts” with the opposing party result in the conclusion of the agreement that is mutually satisfactory - “win-win” for all parties as predicted in negotiation analysis (see Sebenius 1992:30). It has been shown that the EU-CARIFORUM EPA negotiations also witnessed information sharing and trade-offs between the parties as a mean to create joint gains which as predicted in negotiation analysis led to the conclusion of the agreement (see Stöckli and Tanner 2014:99). The exact opposite case of the integrative-cooperative and problem-solving negotiation strategy followed by the Caribbean and EU negotiators has been taking place during the EU-ECOWAS EPA negotiation as discussed below.

### **ECOWAS-EU EPA Negotiation Strategies & Tactics**

Contrary to the Caribbean Forum, anticipating that the EPA would be disproportionately beneficial to the EU than it would be to West Africa as had well been established through several studies (see Busse et al. 2004; Busse and Großmann 2007; Fontagné et al. 2008b:26; Karingi et al. 2005c), the West African negotiators pursued a distributive negotiating strategy in their negotiations with the EU. On the account of the frosty nature of the negotiation processes, it is seen that the EU negotiators equally pursued a predominantly distributive strategy. In the remaining of this section, in order to put the strategies used by the parties into perspective, the challenge of finding the so-called ZOPA between EU and ECOWAS is first discussed. That is then followed by a much detailed discussion on the evidence of the distributive strategies and tactics employed by the parties to achieve their set aims in the EPA negotiations.

#### ***Exploring the EPA ZOPA between EU and West Africa***

According to several studies about the possible impact of EPA on the West Africa region, the region was to have enormous adjustment costs and revenue losses (Bouet et al. 2007; Fontagné et al. 2009; Karingi et al. 2005a, b; Morrissey and Zgovu 2007). These as already demonstrated and discussed above on simulated revenue implications for African RECs and the knowledge that the EPA’s *Trade Diversion and Trade Creation* scenarios, as well as its revenue implications for ECOWAS, are all negative made the establishment of the Zone Of Possible Agreement almost next to impossible.

As seen in table 21 below, Nigeria, Senegal, and other ECOWAS countries were to lose substantially under EPA as a result of the removal of import duties under EPA regime. Under the EPA, Nigeria was to lose 34.4% of its tariff revenue under EPA while Senegal was to lose even higher (45.2%). The rest of the ECOWAS region like their counterpart in Eastern and Central Africa were to lose tariff revenues of about 39.3 %. This means that the benefits these countries were to obtain under EPA regime from opening up their markets to EU were anticipated to be lower – as based on their prevailing capacity to take advantage of the EPA conditions, there would be more imports from EU compared to what they could export to the EU. On top of that is a loss of import duties based on the proposed provision of the agreement (see Bouet et al. 2007:10).

**Table 21: Comparing variation of tariff revenue losses (%) under EPA and GSP Schemes**

Region	EPA	GSP
<b>Southern African Development Community (SADC)</b>	1.8	0.3
<b>Part of Eastern and Southern Africa (ESA)</b>	-17.1	-2.2
<b>Angola, Seychelles, Congo D.R.</b>	-37.8	-1.1
<b>Nigeria</b>	-34.4	-0.2
<b>Senegal</b>	-45.2	-0.1
<b>Rest of Western, Eastern and Central Africa (WECA)</b>	-39.3	-1.2
<b>Caribbean and Pacific</b>	-13.5	-4.1

*Source:* Adapted from Bouet et al. (2007:10).

On the basis of these expected negative welfare impacts of EPA on West African countries, and the perceived benefits that the agreement held for the EU, the West African region could not agree with a number of EU's proposals in the EPA – as already outlined (e.g. reciprocity of FTA obligations, high trade liberalisation over a “short” transition period, MFN provision, trade in services, etc.).

The expected negative welfare impact of the EPA also generated a high interest and activism by Civil Society Organisations which made it politically



suicidal for West African governments and negotiators to “succumb” to EU in the EPA without a “fight”. Consequently, establishing the ZOPA for EPA between the two parties was thus almost non-existent. It would thus take long-term political decisions that overlooked technical considerations to reach agreement between the EU and ECOWAS as was the case in 2014

Having described the next to impossibility of establishing a ZOPA between ECOWAS and the EU, the following section delves into identifying and discussing the evidence of negotiation strategies and tactics employed by the parties during the process of negotiating the ECOWAS-EU EPA and how they impacted the process and outcome.

### **Negotiation Strategies and Tactics used by EU and ECOWAS in their EPA Negotiations**

The EPA negotiations between EU and ECOWAS region was rippled with several accusations, declarations, resolutions, and communiques from inter-governmental ECOWAS bodies as well as from Civil Society Organisations that demonstrate a dominant distributive strategy and tactics in operation. On the basis of those primary and secondary documents, the evidence of distributive strategy and tactics are fished out and discussed below;

#### ***i. Deadlocks in West Africa-EU EPA Negotiations***

One key evidence of the largely distributive strategy pursued by both EU and ECOWAS during their negotiations has to do with the number of silence periods and deadlocks during the negotiations. As pointed out in section 6.5 above, there was a “dispute” between ECOWAS and the EU following the 2007 deadline which both parties could not meet leading to EU’s proposal of a controversial “interim EPAs”. As a result of the failure to conclude a regional EPA, Ghana and Ivory Coast signed bilateral interim EPAs with the EU. Subsequently, West African called for the “renegotiation” of that two interim EPAs, fearing those bilateral EPAs would become a template for the regional negotiations. The EU would however not consider that under any circumstance. The period after December 2007, therefore, marked the first deadlock in the negotiations (see Hanson and Julian 2008; Julian 2008). That deadlock persisted until later when it was agreed that the negotiations

would resume and be concluded by 30 June 2009 at the latest (European Commission 2008d). However, as that did not materialise an extended deadline to October 2009 was agreed upon. But that too was postponed until 2011 (ICTSD 2009).

As several divergent views on the nature and scope of the EPA persisted, another deadlock emerged. It is documented for instance that, “no text-based negotiations took place between April 2012 and December 2013, and therefore no progress was made in the *six ‘persistent divergences’* in the negotiations with the EU (Kwa et al. 2014:21, emphasis added). That is to say during that period there was no real negotiation between the parties, hence there could not be progress on the divergent issues; Namely “the Most Favoured Nation (MFN) Clause, non-execution clause, agricultural subsidies, customs union clause, market access offer and EPA Development Fund” (ibid.). That deadlock continued until in October 2013, ECOWAS Heads of State and Government issues a directive to West African negotiators to find ways of resuming negotiations with EU while calling for flexibility on the part of the EU (Business Day and Tralac 2013). Finally, before the negotiations advanced to a now defunct partial conclusion in January 2014, a statement by the National Association of Nigerian Traders reveals that, there were almost two years of deadlock; “...that the negotiations were essentially concluded in one (1) negotiation session in the last week of January after being dormant for almost 2 years”(National Association of Nigerian Traders 2014). This means there was another period of “silence” in the negotiations as disagreements persevered between the parties. It is recalled that it was during that time that, the EU issued a warning to withdraw its Market Access Regulations that prevented trade disruption between it and the ACP countries that had initialled interim EPAs by October 2014 if ratification was not completed. That persistent deadlocks in the negotiations and the decisive role played by President of Senegal in bringing about the negotiation conclusion was alluded to by ACP Secretary General Gomes during a recent ACP-EU Joint Ministerial Meeting:

“Your Excellency [President Macky SALL, of Senegal], as is well known, you have *personally* played a pivotal role in concluding the EPA negotiations between the West African region on the one hand – one of the staunch regions and foundation pillars of the ACP Group – and the European Union

on the other. Those negotiations had been deadlocked for some time prior to your decisive intervention.”(Gomes 2016:2-3, emphasis added).

It is thus seen from the ongoing that, throughout the negotiations, a number of periods of deadlocks happened, mainly due to several divergences in positions on the subjects of EPA negotiations between the parties. The evidence for that inference have been adduced by the various documents and reports reviewed (see Business Day and Tralac 2013; ECOWAS Commission 2009, 2011b, 2013; TWN 2013). On the basis of the persistent conflictual positions on almost all the issues of negotiations until the very end and the number of deadlocks experienced in the ECOWAS-EU negotiations, it is hereby concluded that distributive strategies were being pursued by the parties.

*ii. ECOWAS’ Lack of Capacity and Readiness for EPA and EU’s Slow and inflexible Responses*

Additionally, evidence abounds throughout the negotiations involving West Africa and EU about the former’s lack of capacity, experiences, and readiness for a complex international trade negotiation such as the EPA. This lack of capacity and readiness resulted in a defensive negotiation attitude. For instance, it is well documented that ECOWAS was not ready for EPA negotiations by way of its levels of development and by way of its regional integration context. It was still negotiating its own Common External Tariff that would be applied to imports from EU. Apart from the regional level lack of readiness, national level actors were equally unequipped. A report by South Centre in 2007 established the fact that, “national EPA committees” set up in ECOWAS countries to ensure formulation and validation of regional negotiation positions were either not well informed and involved in the negotiations, were not fully capable (lacked technical competencies on the highly technical negotiations) or were overwhelmed with many other duties at the national level (South Centre 2007:1-4). And those were the people that were expected to “advise their ministries on the appropriateness of signing EPAs at the end of negotiations, as well as carry responsibility for instructing the reforms that the implementation process of these agreements will require” (South Centre 2007:1). The result of that regional context was that unsurprisingly, “many Western African stakeholders (representatives of government and the civil society alike), [were]

sceptical about their ability to sign EPAs with the EU in the prescribed timelines” (ibid.). No wonder regional convergence on many other EPA-related issues was so protracted.

Similarly on the part of the EU, during a workshop in 2006 with West African EPA stakeholders, it was reported that the “EU was also undermining the negotiations process” in a number of ways (Hammouda et al. 2007:51); Firstly, there was a lack of flexibility on the part of the EU which became a huge source of hindrance to the negotiation processes; West Africa negotiators perceived the EU as “inflexible” with “the mandate given to its negotiators” (ibid.). They did complain about the fact that, “the mandate of EU negotiators was not flexible enough because they had to go back to consult their individual Members States who have often times have different interests” (Hammouda et al. 2007:51). While those consultations took time within the EU, it contributed to the “the delays in the negotiations process” (ibid.). That situation equally made the EU appear unready for the EPA negotiations. It is thus seen that the delays in the ECOWAS-EU negotiations was not only a function of the lack of preparedness on the part of ECOWAS, but that it was also due to the fixation of EU’s negotiation mandate and how its “Agents” always had to consult their “principals” in Brussels and in the European capitals as widely discussed in EU negotiation literature, in order to eventually make a concession (See for instance, Billiet 2009; Dür and Elsig 2011; Larsén 2007a; Maher et al. 2009).

Secondly, the EU contributed to the no conclusion of EPA negotiations by its “insistence on separating the negotiation of development [policy] from trade issues” (Hammouda et al. 2007:51). That negotiating behaviour of the EU vis-à-vis the position of ECOWAS that “EPA negotiations could only realistically go forward if there was a proper linkage between [it] and development” did not help the process (ibid.). In essence, it is deduced that the continuous and prolonged “separation” of EPA policy from the development policy as demanded by ECOWAS negotiators created disincentives for the negotiations to proceed as planned.

Thirdly, it was reportedly realised by the West Africans and the other ACP regions that the EU attempted “to play ACP negotiating groups against one another” (Hammouda et al. 2007:51). That accusation of the EU playing the seven ACP negotiating groups against each other did not help matters. For instance, on the basis

of that accusation, ECOWAS, and the other African regions “called on the African Union to coordinate the negotiations of its four negotiating regions” (ibid.). It could thus be said that EU’s behaviour created the necessary condition for the African Union intergovernmental bodies to be directly involved in the EPA process – a phenomenon that made the interlocutors of the EPA negotiation many and hence conclusion almost next to impossible in all the African negotiating regions including ECOWAS.<sup>64</sup>

It is therefore seen that the West Africa-EU EPA negotiation processes were rather complicated by the acrimonious nature of the processes that evolved during the negotiations in relations to EU’s negotiation posture vis-à-vis ECOWAS’ lack of readiness and hence defence posture. The next point of evidence of distributive negotiation strategy regards the carrot and stick tactics witnessed during negotiations.

### iii. *Use of “Carrot and Stick” & Pressure Tactics*

As discussed above under the phase one of EPA negotiations, over the course of the EPA negotiations, it is observed that the EU adopted a “carrot and stick” tactics to create both incentive and pressure for decisions by the ACP partners. The case in West Africa was not different as far as the application of that tactic was concerned. For instance, in a Joint EU-ECOWAS Troika at Niamey in October 2006, it was reported that “the EU also informed ECOWAS of the recent decision of the EU Council to reinforce *aid related to trade*, and the willingness of EU Member States to reinforce the coordination of EU support for the EPA process” (Council of the European Union 2006a:7, emphasis added). The promise of financial support for the implementation of EPA would be repeated throughout the process as an incentive to ECOWAS countries to endorse the EPA. However, when negotiations were not moving forward in accordance with set deadlines, mainly due to the many other

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<sup>64</sup> Africa Union undertook several measures and decisions that influenced the EPA negotiations by the African Regions. Among others, such measures included “Mauritius Declaration on EPA” in 2003; “Maputo Declaration on EPA negotiations” in 2003; An African Continental Review of EPA negotiations in 2006-2007; “Nairobi Declaration on Economic Partnership Agreement” in April 2006; “Addis Ababa Ministerial Declaration on Economic Partnership Agreements Negotiations” in 2007; “Kigali Declaration” in 2007 and in 2010. For details, see African Ministers in charge of Integration. 2007; African Trade Policy Centre; African Union Commission and ACP Secretariat. 2007; African Union. 2003; Assembly of the African Union. 2003; AU Conference of Ministers of Trade. 2006; AU Conference of Ministers of Trade. 2007 and AU Conference of Ministers of Trade. 2010a

exposed concerns of ECOWAS, the EU resorted to pressure and threats with actual sanctions. Specific examples of that tactic of EU were witnessed when 2007 deadline was missed as well as a threat to remove a granted market access in 2014 following failure to sign concluded interim EPAs.

The employment of the “stick” tactic by the EU generated a perception of it as a “bully” in West Africa in both official statements and in the media heralded by Civil Society Organisations. In official circles, ECOWAS Ministers of Trade for instance had cause to recommend to the Heads of State and Government of the region to seek political solution to the EPA negotiation impasse due to EU’s pressure and threat to remove market access for countries such as Ghana, Cote d’Ivoire and Cape Verde which had initialled or signed interim EPAs in 2007 but had not ratified them. Those non-LDC countries, not qualified for the EBA scheme, were “under intense pressure to ratify the agreement by December 2013” according to the ECOWAS Ministers of Trade (2011:1-2). See also (European Commission 2011a; ICTSD 2014). In line with other several unilaterally imposed deadlines set by the EU to pressure ECOWAS and the other ACP regions to comply with, a current one is 1 October 2016, when it is expected that EPAs would be signed or risk loss of market access into the EU (see Eduku 2016). This negotiation posture of EU was criticised as being “strong-arming”: “throughout negotiations, the Commission has been criticised for *strong-arming* weak and poor countries into rapidly liberalising vulnerable economies and stifling nascent industries (Kabuleeta and Hanson 2008:2). These negotiation attitudes of EU amounted to a complete disregard of the liberalisation concerns raised by the West African negotiators in respect for the speed of concluding the agreement – a situation that has not helped the negotiations to conclude.

Besides official declarations of resentments to EU’s pressure, in West Africa, the media reportage on the EPA negotiation process championed by Civil Society Organisations was one that always painted the EU in a bad light due to the pressure it was seen as exerting on the so-called poor, weak and underdeveloped countries (see Devarakonda 2014; Safo 2007a; TWN 2005b).<sup>65</sup> On his part, Adebayo Adedeji

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<sup>65</sup>See for example statements by Ghana News Agency. 2011 and TWN. 2014.

(2012), one of the key architects of regional integration in Africa for over 40 years criticized the EU and the EPA as ‘another example of how Brussels abuses its vast negotiating power and aid budget to isolate and exploit individual African states and coerce them to open their markets to unfair penetration by European farmers and manufacturers’ (Adedeji 2012: 91, cited in Carbone 2013:749). It is thus seen that among the West African elites, the EU’s insistence on their signing the EPA amidst several unresolved concerns and the application of “carrot and stick” negotiation tactic amounted to an abuse of its enormous negotiating power and was perceived as unfair. Nonetheless, while that approach backfired in some cases, in others it helped to move the negotiations forward. In the next section, the particular role of Nigeria in the EPA negotiation process is discussed. That country is singled out for discussion due to its particular posture on the EPA subject.

*iv. Nigeria – “the Elephant sitting in the middle of the road” of EU-ECOWAS EPA negotiations*

Nigeria, the economic giant in the West African region has been the main challenger to the EU in the EPA negotiations and that country has been championing the distributive negotiation strategy of ECOWAS during the EPA negotiations.<sup>66</sup> Nigeria, never wholeheartedly supported the EPA negotiating agenda as gathered from attitudes and statements of public officials, Civil Society Organisations, Trade Unions, and ordinary people.<sup>67</sup> Firstly, Nigeria would not agree to the proposed Common External Tariff (CET) for the region and would propose a 5<sup>th</sup> Band for the protection of its infant industry thereby delaying regional convergence (see Coste and von Uexkull 2015; CTA 2013; Kareem 2014; Ukaoha 2008). Secondly, by not being fully committed to EPA negotiations, in 2009, whilst EU-ECOWAS negotiations were still ongoing, Nigeria went looking for “alternative” – by applying for EU’s GSP+ for the 2009-2011 period (Kwa et al. 2014:21). Even though it was not successful with that application “due to non-ratification of one of the 27 required

<sup>66</sup>See Osagie, 2014, and a short brief prepared on Nigeria’s negotiation positions on the EPA by Solidar Global Network on “EPA- The Case of Nigeria”. ,

<sup>67</sup>In acknowledgement of Nigeria as the main problem in ECOWAS Negotiation, EU Trade Commissioner, Mandelson was quoted in 2006 to have said “Nigeria is sitting like an elephant in the middle of the road” on EPA negotiations – see the response given to that statement by the President of the National Association of Nigerian Traders (NANTS) (Ukaoha, 2007).

treaties, the Convention on Prevention and Punishment of the Crime of Genocide (Genocide Convention)” (ibid.), that action was reminiscent of a country that did not see the proposed EPA policy as being in its strategic national interest and hence pursuing a distributive strategy.

Even though the decision by EU not to grant Nigeria its GSP+ scheme was described by the Nigerian Association of Nigerian Traders (NANTS) as “politically coloured and essentially not made in good faith” (ibid.), had Nigeria being successful with that application, it is possible to imagine that, then the conclusion of a regional EPA between EU and the West Africa economic bloc was never going to be a reality, given that majority of countries in the region qualified for the more favourable EBA scheme. That would also have meant that the remaining non-LDCs in the region (Ghana, Cote d’Ivoire, and Cape Verde) would have resorted to either bilateral interim or permanent EPA with the EU or opted for the less favourable GSP scheme.

The Nigerian government’s hesitation to endorse the EPA was in direct synchronisation with the sentiments of the country’s many Civil Society Organisations and Trade Unions that strongly opposed the trade pact. For instance, after making several arguments earlier on against the EPA, in a communique in 2013, the National Association of Nigerian Traders (NANTS) suggested to its government to lead the region towards “trade liberalisation...outside the EPA if the EU remains static on their quest for 80 – 90% market access offer” (National Association of Nigerian Traders 2013). This proposal was based on the fact that, “West Africa [had] been shifting position on the market access offer since the negotiations began” and that “it [was] only proper and instructive for the EU to also shift its position by accepting the West African market access offer as well as increasing its proposed funding for the EPA Development Programme (EPADP)” (ibid.). With that not forthcoming from the EU, Nigeria and ECOWAS should opt out of the EPA negotiation and pursue their own trade liberalisation and regional integration “outside” the EPA.

The fact remains that, the EU was adamant on its position on market access as well as on many other issues. Nigeria and its key EPA stakeholders appeared equally unconvinced about the appropriateness of the EPA as an instrument for their national development. For instance, lamenting the lack of West Africa regional trade policy,



the NANTS statement cited above called on the Nigerian government “to stand up to the responsibility of championing or facilitating the drafting and formulation of a trade policy for West Africa to harmonise the trade policy of the member states” which would provide the needed impetus to the ECOWAS EPA negotiations in the future (National Association of Nigerian Traders 2013). After their persistent calls for the abolishment or an amendment of EPA negotiations went unheeded at the regional level and the agreement *politically* concluded in Dakar (Senegal) in January 2014, the NANT issued a Press Statement condemning the decision (National Association of Nigerian Traders 2014).<sup>68</sup> On his part, Dr Frank Udemba, President of Manufacturers Association of Nigeria (MAN) is reported to have complaint to the WTO Director General during a meeting in February 2016, in Abuja (Nigeria) that the Economic Partnership Agreement (EPA) are “in favour the of the European Union since Nigeria is highly an import dependent country” (Soniya and Emejo 2016:2). The Nigeria government seems to fully agree with the above narrative by the CSOs and Trade Unions – hence its hesitation to endorse the EPA (see Federal Ministry of Trade and Investment of Nigeria 2014).<sup>69</sup> By May 2016, the time of completing this study, almost two years after the ECOWAS-EU EPA negotiations was endorsed in July 2014, Nigeria remained one of three West African countries that have refused to sign the agreement;

“All 28 EU member states and 13 of the 16 ECOWAS member states signed the EPA in December 2014. The Gambia, Mauritania, and Nigeria have not yet signed. All countries must sign before ratification can begin. EPA can only come into force only after ratification (not signature)” (Okereocha and Iroegbu-Chikezie 2015:4)

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<sup>68</sup>The opening statement of the Press Release read: “The National Association of Nigerian Traders (NANTS) wishes to express disappointment, and indeed the disappointment of millions of Nigerians and West Africans over recent reports that the negotiation of the ECOWAS-EU Economic Partnership Agreement (EPA) has been concluded. The disappointment is that the negotiations were essentially concluded in one (1) negotiation session in the last week of January after being dormant for almost 2 years, and that the outcome has left Nigeria, nay, West Africa with mere shadows based on compromises made by ECOWAS to secure a deal with the European Union”. As indicated earlier, the negotiation session that approved the EPA deal was at a high political level without the participation of the Civil Society Groups and Trade Unions who had fully been part of the negotiations until then. See National Association of Nigerian Traders. 2014.

<sup>69</sup>This Statement by then Federal Minister of Trade and Investments of Nigeria, The Minister of Industry, Trade and Investment, Mr. Olusegun Aganga, explained into details why Nigeria did not and does not trade liberalisation agreement being pushed forward by the European Union under the Economic Partnership Agreement. At the time of completing this research, the posture of the Nigerian government had not changed since the new government of President Muhammadu Buhari came into power in March 2015.

This is despite the fact that EU and ECOWAS countries are making preparations for the implementation of the goods only EPA pending the signature of all countries (see ECOWAS Commission 2016).

The ongoing account demonstrates that Nigeria's government negotiators and its many Civil Societies Organisations have been at the forefront of the distributive strategy of ECOWAS – and thus giving credence to Peter Mandelson's assertion that "Nigeria is sitting like an elephant in the middle of the road" on EPA negotiation.

After 12 years of negotiations and over 2 years after EU and ECOWAS initialled a regional EPA, the Nigerian government and its many stakeholders still have severally strong hesitations against the EPA and have refused to sign the deal and hence jeopardising the future of the partial EPA initialled. The country is not in favour of the reciprocal market access provision and the transition period towards full liberalisation. Under the current EPA, West Africa is offering 75 per cent of its market to be liberalised over 20 years whilst EU immediately fully opens up its market to the 16 West African countries.

"One of the provisions of the agreement that raised the blood pressure of real sector operators,... was the 75 per cent market access offer over a 20-year period. To them, such provision endangers local production and exports. Former Industry, Trade & Investment Minister Olusegun Aganga, is one of those who have raised eyebrow over this provision"(Okereocha and Iroegbu-Chikezie 2015:2)

The reason for the disagreement over market access is the fear that Nigeria's burgeoning industries could be destroyed by imports from the EU even as the country does not have the capacity to take advantage of the market access offered by the EU.

Again the Former Minister Aganga argues that "Nigeria is the biggest country in the ECOWAS and we are already producing some of those goods that they want us to liberalise their importation", "what this means is that, not now, but from 2025-2026, based on the items that have been included and excluded, there will be significant loss of revenue to the government. There will be a loss of jobs, investment and loss of even the ECOWAS market" (Federal Ministry of Trade and Investment of Nigeria 2014:3). Thus, there are still concerns of loss of revenue, jobs, investment and loss of the ECOWAS market to the EU. Those are highly sensitive concerns that seem to linger on even after extremely watered down goods only EPA

was endorsed. Put differently, signing the EPA in its current form is still seen by major stakeholders such as Trade and Manufacturing actors in Nigeria to be tantamount to “economic suicide” and are “insisting that the agreement must not be endorsed”, fearing that it would “lead to de-industrialisation in West Africa, with economic and employment consequences for Nigeria” (Okereocha and Iroegbu-Chikezie 2015:1). This posture of Nigeria on EPA negotiation is indistinguishable to a dominant distributive negotiation approach.

What is worrying about Nigeria’s rather belated and much-heightened opposition to the EPA is that it leaves the entire regional EPA that is concluded in limbo – due to the provision that requires all ECOWAS countries to sign and ratify before it could be implemented. It is thus the position of this study that as Nigeria, Gambia and Mauritania are still opposed to the ECOWAS regional EPA, the negotiations could not be said to have been concluded. Consequently, West African regional and European EPA stakeholders will have to hold their breath and wait to see if the “elephant” leading the West African distributive negotiation strategy will move from the “road or remain sitting”.<sup>70</sup>

v. ***ECOWAS Continuous Demand for Specific Development Funding and EU’s Resistance***

ECOWAS distributive perspective of the EPA is also demonstrated by the region’s public official statements, declarations, media reportage and demands for over 9 billion Euros under the EPA Development Programme (EPADP, also known as PAPED in French), (Bagooro 2011; Citifmonline.com 2014; Council of the European Union 2014; ECDPM 2010b; Economic Justice Network 2014; Peacefmonline.com 2014; TWN 2013; Zouhon-Bi and Nielsen 2007). ECOWAS claims the EPAs would be harmful to their smaller economies and as such the EU, which is pushing for the EPA should thus finance the region’s EPA adjustment costs in order to put the region on a competitive level with the EU itself.

The period preceding the 2008 deadline, in a meeting in Ouagadougou (December 2007), the Ministerial Monitoring Committee (MMC) of ECOWAS

<sup>70</sup>For additional indications of why Nigeria, belatedly, may not sign not ratify the agreed EPA, see the following Governments and media reports: Donnan, Shawn 2014; Federal Ministry of Trade and Investment of Nigeria. 2014; Nssien, Andy 2014; Ogwu, Sunday Michael 2014. Yishau, Olukorede. 2015.

issued a declaration on the EPA restating their commitment to sign only EPA that would meet the *various* development objectives of the region. This importance of development dimension of EPA and demand for separate “additional funds” for EPA adjustment cost would be repeated in April 2007 during the 11<sup>th</sup> EU-ECOWAS Ministerial Troika Meeting in Luxembourg (Council of the European Union 2007a); during the 12<sup>th</sup> EU-ECOWAS Ministerial Troika in Ouagadougou, Burkina Faso, October 2007 (Council of the European Union 2007b); during the 13<sup>th</sup> EU-ECOWAS Ministerial Troika Meeting in April 2008 in Luxembourg (Council of the European Union 2008a). In October 2008, during the 14<sup>th</sup> EU-ECOWAS Ministerial Meeting in Ouagadougou, the same development dimension was emphasised. The joint communique stated in part that, “The EU and ECOWAS reaffirmed the importance of the development dimension of EPA’s and renewed their commitment to define a package of accompanying measures linking trade and development cooperation (Council of the European Union 2008b:7). The statement also reaffirmed that the package to be defined “was to be prepared and implemented, in accordance with Paris Declaration principles on aid effectiveness, at both national and regional levels” (ibid.). During the subsequent Ministerial Troika, the 15<sup>th</sup> ECOWAS-EU Ministerial Troika Meeting held in Luxembourg, June 16, 2009, the progress made on the development dimension of EPA was captured in the final communiqué;

“Ministers welcomed the progress made so far in the Economic Partnership Agreement (EPA) negotiations and reaffirmed the commitment of both sides to demonstrate the necessary flexibility in order to swiftly conclude the negotiations for the establishment of a comprehensive regional EPA, covering all ECOWAS countries and Mauritania. *The Parties also welcomed the progress made in the definition of the EPA Programme for Development (EPADP) at both national and regional levels* (Council of the European Union 2009a:6, emphasis added).

It is seen that the positions of both EU and the West Africa partners on the development dimension of EPA were evolving towards some kind of cooperation. In that June 2009 communique, it is read that “Ministers also underlined the development dimension of the regional agreement and agreed that the main objective of the EPA should be to foster the smooth and gradual integration of the West African region into the world economy, contributing to the eradication of poverty, and the economic and industrial development of West Africa” (ibid.). For the West African negotiators, agreeing to EPA without assurance of additional financial

resource was believed to be an exercise in futility. However, to the EU, the EPAs were first and foremost trade agreement that was meant to facilitate economic growth by setting up the environment that attracts foreign direct investment to the region.

The subsequent, 16th ECOWAS-EU Ministerial Troika Meeting held in Abuja in November 2009 (Council of the European Union 2009b) and the 17<sup>th</sup> EU-ECOWAS Ministerial Troika in Luxembourg, 15 June 2010 (Council of the European Union 2010a) would reiterate similar emphasis on development dimension of EPA by which the West African partners were insistence on need for additional financial resource from the EU. The communique in June 2010 stated partly that,

“The Parties reiterated that the EPA Development Program (EPADP/PAPED) should play an important role in enabling the West African region to take full advantage of the opportunities offered by the EPA whilst minimising the adjustment costs that might result from the implementation of the Agreement...”(Council of the European Union 2010a:9, emphasis added).

In that statement, West African negotiators “welcomed the Conclusions of the Council of the European Union regarding the EPADP adopted on 10 May 2010, and in particular the EU's engagement to contribute to the EPADP implementation through EU development cooperation instruments” (ibid.). It was somewhat viewed as a breakthrough in ECOWAS when EU announced that it would fund EPADP-related activities over the next five years at an estimated amount of at least 6.5 billion Euros. This was the case even though the original estimated amount needed under the EPADP was 9.525 billion euros. In the Communique cited above, it is recorded that both, “the EU and ECOWAS committed themselves to co-operate to pave the way for intervention by other donors in support of the EPADP” (ibid.).

What is again important to point out at this stage is that it was three years after the initial 2007 deadline, yet ECOWAS negotiators were engaged in negotiations with the EU insisting on the EPA becoming an instrument for development for the region, whilst the EU was also resisting and changing its positions in diminutive steps. By this time the Caribbean counterpart had signed and in the process of implementing their EPA with the EU. The plethora of evidence above showing ECOWAS insisting on *taking full advantage of the* opportunities offered by the EPA whilst minimising the adjustment costs that might result from the implementation of it, divulges a distributive strategy in pursuit – where the party

seeks to get all benefit at no or fewer costs (see Conceição-Heldt 2006; De Dreu et al. 2000; Narlikar and Odell 2006; Stöckli and Tanner 2014).

Moreover, the distributive negotiation strategy of West Africa was not to give way even after EU's promise of partial funding. The May 2010 pledge of EU, after several backs and forth proposals and counter proposals, to provide some sort of "funding" for EPA to the tune of €6.5 billion over five year period (Council of the European Union 2010b:4, paragraph 10-13), did not fully satisfy the West African negotiators. They protested that the estimated €6.5 billion to be provided through the PAPED programme "was not enough to cover the costs related to the implementation of the EPA's trade liberalisation commitments or for adequately boosting the region's productive capacity and competitiveness" (Julian 2010:13). As stated earlier, according to the region's own estimation and that of other recognised institutions, between €9-15 billion was needed for the region's "transformation" to competitiveness (ECDPM 2010b, d). It is indeed the case that the said amount was below the estimated budget and the idea of getting extra funding from other donors did not guarantee any additional funds in the meantime so ECOWAS negotiators were still apprehensive.

In the same breath as the preceding point, in the view of ECDPM for instance, EU's €6.5 billion in support of ECOWAS EPA related development is "conservative" and not "innovative" and hence not based on realistic calculations (ECDPM 2010d). According to ECOWAS EPA Negotiators (interviews 21 and 22), the €6.5 billion given by the EU was not "new" and "additional funding" to the region as was requested but that the amount promised was a repackaged total of funding EU institutions and its Members States had already committed to giving to the West Africa region (outside of the EPA negotiations). In fact this is also corroborated in a report by ECDPM: "Moreover, information collected by ECDPM - and by the European Commission via its delegations in West Africa and in consultation with the EU Member States - suggests that the €6.5bn committed by the EU corresponds to support *already* identified as forthcoming for PAPED-related activities" (ECDPM 2010d:3, emphasis is original). It is therefore seen that it was not only ECOWAS negotiators that were pursuing a distributive negotiating strategy but that EU negotiators were engaged in same distributive strategy as well. Both parties

were trying to get a bigger share of the EPA pie and whilst making sure they would not lose out in the process.

By 2011, four years after the initial EPA negotiating deadline, the number of divergences in the negotiation positions of both the EU and West Africa had not changed much to facilitate an agreement. A press statement issued by the ECOWAS Ministers of Trade on their impending meeting on the EPA negotiation in Accra enumerated the same number of divergences as they were known from the very beginning of the negotiations:

“They (*EPAs*) were to have been concluded by 2007 but have been dogged by *divergences mainly over the financing of the EPA Development Programme (EPADP)*, a 16- billion dollar programme for addressing the costs of adjustment and implementation of the EPA; as well as the status of the *Community Levy for funding ECOWAS*; the *most favoured nation (MFN) clause* and the *scope of market access offer*.... The disagreements also relate to the *schedule of the opening of West Africa's markets to products from the EU* which is insisting on an *80-per cent market access over 12 to 15 years* while *West Africa is offering 70 per cent of its market to be liberalised over 25 years...*” (ECOWAS Ministers of Trade 2011, emphasis added).

Those enumerated disagreements over almost all issues under negotiation in the EPA demonstrated the pursuance of a distributive strategy which ensures that parties refrain from agreement while seeking to claim value from the opposing party and giving nothing or just a little in exchange, and or claiming to be the victim. The ongoing accounts reveal that both EU and the West African parties employed that strategy in their negotiations of the regional EPA.

#### **vi. Continuous and Persistence call for WTO Waiver**

ECOWAS’ pursuance of predominantly distributive strategy is also evidence in the fact that the ECOWAS region, persistently asked the EU counterpart to request for the extension of WTO waiver. During the 12<sup>th</sup> EU-ECOWAS Ministerial Troika Meeting in October 2007 in Ouagadougou, after a review of the progress of EPA negotiations and it became clear that the 2008 deadline would not be met;

“ECOWAS restated its *earlier* observation that the conditions for concluding the negotiations by 31 December 2007 *could* not be met. Consequently, the West Africa region requested the European Party to submit to the WTO a request to extend the 2001 waiver” (Council of the European Union 2007b:6, emphasis added).

Expectedly, the EU side did not agree to that request stating that “the request for an extension of the 2001 waiver is not consistent with the commitment to treat developing countries equitably under the trade preferences granted by the EU. Furthermore, the extension of the waiver is not compatible with the provisions of the Cotonou Agreement” (ibid.). One could say that the ECOWAS request was made several years after it had been concluded in the Cotonou Agreement that the EPA would be negotiated – implying that the option of going to WTO for another waiver was supposedly not on the table. One possible explanation of ECOWAS’s behaviour towards the EPA negotiations is the pursuance of a distributive negotiation strategy. This means the region aims to horn out the negative impact of the agreement and demanding action from the EU while the region itself is not doing much.

As pointed out earlier in the ongoing section, after missing several deadlines of concluding the EPA, the West African negotiators still emboldened by their distributive strategy decided to resist EU’s pressure and basically negotiate at their own pace and to push their interest further by adopting a fallback strategy by setting up a regional “Solidarity Fund” to cushion their Non-LDCs Member States - Ghana, Ivory Coast and Cape Verde which were to be most affected should EU impose tariff on their exports in their failure to conclude EPA. In Accra, in November 2011, during ECOWAS Ministerial Monitoring Committee (MMC) meeting on the EPA negotiations, a decision was made to set up a Fund that would be;

“a regional mechanism in the form of a solidarity Fund to compensate Ghana, La Cote d’Ivoire and Cape Verde on export losses in case a consensus is not reached on the EPA between ECOWAS and the EU before the deadline (cited in Ghana Trade Union Congress et al. 2012:1).

This arrangement of the Solidarity Fund shows that the region was apparently still unperturbed with EU’s sustained tactics of using threats of imposing tariffs on the exports of its non-LDCs. That posture of ECOWAS in seeking further WTO waiver and the design of a mechanism to “cushion” the region’s members that are most affected by EU’s pressure and consequence of EPA’s failure vividly demonstrate the extent to which the region’s distributive perspective and strategy influenced the EPA negotiations.



*vii. ECOWAS Search for EPA Alternative*

ECOWAS' pursuance of its distributive strategy in EPA negotiation is again seen with its trade agreement with China – which could be considered as a search for further possible BATNA to the EPA agreement. The evidence adduced is that, in the course of the negotiation, ECOWAS' regional political engagements with China in the form of South-South cooperation increased and led to the establishment of ECOWAS-China Forum (Adoboe 2012). In September 2008, as the deadline for EPA negotiation had elapsed with lot of political tension between EU and ECOWAS and EPA negotiations in deadlock, ECOWAS signed a trade and investment agreement with China (see ECOWAS Commission 2008), an indication that the negotiation process for that had been on the sideline of the EPA negotiations and that ECOWAS had been in search for a BATNA and for an EPA “exit option” as would be argued by De Dreu et al. (2000). Chinese aid, investment, and trade with ECOWAS have since been increasing in leaps and bounds (Davies 2008; Davies et al. 2008; Gill et al. 2007; Hackenesch 2009; McCormick 2008; Samy 2010; Wissenbach 2009). It could thus be considered that, increasing ECOWAS-Chinese trade has been considered at some point during the EPA negotiation as a perceived BATNA –whose value was being calculated by the region – as it sought to lessen its trade dependence on the EU and thereby strengthening bargaining power against the EU.

By way of concluding the discussion on the dominant negotiation strategies pursued by both ECOWAS and EU during their EPA negotiations, this section has discussed seven key evidences that demonstrate that both parties and especially ECOWAS have been pursuing a “distributive” negotiation strategy as opposed to what was seen with the CARIFORUM region which considered the EPA negotiation from an integrative perspective and “problem-solving” approach as well discussed in negotiation literature (See Conceição-Heldt 2006; De Dreu et al. 2000; Elgström and Jönsson 2000; Kelman 1996; Niemann 2006; Stöckli and Tanner 2014; Weber and Wiesmeth 1991).

To conclude this sub-section, the several tensions and indications of uncooperative negotiation posture discussed regarding the negotiations of EU-ECOWAS bi-regional EPA are evidence of a dominant distributive negotiation

strategy and tactics. Those impacted the negotiation severely to the extent that even an effort made to find *political* solution to the impasse of negotiation which led to an eventually approval of *goods only EPA* by the Authority of Heads of State and Government during their 45<sup>th</sup> Summit in Accra in July 2014 has so far failed to conclude.<sup>71</sup> Consequently, as predicted by negotiation theorist, the use of distributive negotiation strategy where there is the win-lose perspective and the desire to obtain the bigger part of the proverbial pie is keeping the EU and the West African region oblivious of the joint solutions that could be found to conclude the EPA.

### **Conclusions and implications of the Negotiating Strategies & Tactics**

The current section (7.2) has demonstrated that the processes and strategies used in the EPA negotiations have had a great deal to do with the negotiations outcomes. The controversies that surrounded the EPA negotiations in most ACP regions vis-à-vis the EU and the mostly distributive strategy pursued explains why the negotiations became so protracted that there was little consensus at the level of EU-ACP negotiations – a situation that made the negotiations between the EU and the individual ACP regions equally and even more complicated and acrimonious in some cases.

The section has presented a review of the negotiating behaviour of the parties to the EPA negotiations demonstrating their distributive or integrative strategies and various tactics employed in their pursuance in one way or another. The analyses have been conducted through processing tracing technique and documentary review of official EPA negotiation details (from Conclusions, Communiques, Declarations, and Reports of major stakeholders) and information gathered through personal interviews of EU and ACP current and former EPA negotiators as well as a from review of

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<sup>71</sup>It is reported that, “a week before the deal was sealed on 24 January, EU Trade Commissioner De Gucht travelled to Dakar to discuss the remaining issues on the way with the Presidents of Senegal, Macky Sall, and of the Commission of the Economic Community of West African States (ECOWAS), Kadré Désiré Ouedraogo, as well as other high-level politicians” (ICTSD. 2014). It was that high level political meeting involving few people-devoid of the representation of Civil Society Groups - that political solution (as technically there was never going to be a compromised solution) was found. However, that regional goods only EPA has so far still not been signed by all countries. As indicated elsewhere, by the time of completing this research, Nigeria, Gambia and Mauritania were still opposed to the agreed text and have refused to sign. This means, ECOWAS-EU EPA is still not concluded.

some of the massive media reportage that the EPA negotiations have generated, especially in relations with the cases studied in this project - ECOWAS and CARIFORUM regions. It is seen that all the parties had real or perceived strategies and tactics which affected the negotiation processes and outcomes. The general conclusions and implications of such strategies and tactics are drawn below for each of the major actors considered in this study.

Specifically on the EU, due to its ideological standpoint on the EPA as described above, any concluded EPA *had* to go beyond goods-only trade agreement to including several provisions on trade-related rules as well as trade in services which it perceived to be a new sector for economic growth. EPAs had to also cover topics like investment, competition policy, and public procurement to create the needed enabling environment to attract investments. The EPAs were to eliminate tariffs and non-tariffs barriers progressively on “substantially all trade” between the parties. It was believed by the EU side that, a combination of the proposed transparent rules in EPAs, increased co-operation, legal security, support for regional integration and the financial support contained in the EPAs makes them unique for ACP’s long-desired development. What is counterintuitive here is the extent to which the EU was ready to go to achieve its ideologically based goals – diffusing its neo-liberal policies and norms to poor and developing countries through trade agreement – in the face of their resistance of same.

On its part, the ACP Group, by signing the Cotonou Agreement in 2000 and agreeing to the provisions therein on the EPAs, basically agreed with the idea of negotiating new trade agreements. However, following what has transpired in the negotiations, it could be inferred that their understandings and expectations of the new trading arrangement had been different from their EU counterpart. It has been shown above that, the ACP countries understanding of the EPA agenda was that those countries that considered themselves ready and in a position to do so would sign the EPA. It had also been their understanding that they will design the EPA to meet the level they consider appropriate and in accordance with the procedures they will jointly agree upon in the context of their regional integration processes. All those conditions were rather set aside – as widely reported and documented. What rather became the subject of EPA negotiations would be what the EU wanted - and

less of what the ACP Group wanted and needed. The result of such different understandings of the purposes and the means of achieving them has been the employment of largely distributive strategies and defensive negotiation tactics.

The next puzzle then becomes, why the ACP Group would continue to negotiate a deal they clearly did not like? The ongoing discussions have pointed to an ACP Group that largely disagreed with how to make EPAs compatible with WTO rules, and as tools for development. The ACP Group disagreed with the interpretations of the WTO rules regarding their requirements for “reciprocity” of obligations between “developed” and “developing” regions in their establishments of Free Trade Areas or Custom Unions. Yet the Group as a whole did not pull out of the EPA negotiations. Again the ACP Group has had disagreements over the EPA covering trade in services, the inclusion of rules on investment, competition, and public procurement yet did not pull out of the negotiations. It is argued here that the ACP Group collectively grudgingly continued with the EPA negotiations because of their structural dependence as a whole and as individual member states on the EU – which has a new policy of shifting its trade relations from one of “special relations” to one of international standard.

Consequently, in response to EU’s insistence on the EPA and on a number of its provisions, the Union would then be described as “mercantilist” in approach by the ACP Group. The Group would call on the EU to allow each ACP state and region to make its own decisions on the timing, pace, sequencing, and product coverage of market opening based on their national development plans and poverty reduction strategies. They even at some point called for an “adjustment” of its EPA negotiating directives to accommodate their concerns. However, all those requests would largely be turned down by the EU – giving credence to a conclusion that majority of the ACP countries that have signed the EPAs did so under “duress” and less of persuasion of the benefits EPAs bring to them. In any case, the strategies and tactics that have been at play throughout the EPA negotiation processes are of distributive in nature.

### **Regarding CARIFORUM-EU EPA (CEU-EPA) & West Africa-EU EPA (WAEU-EPA)**

At the level of phase two negotiations between EU and the respective ACP regions, based on the evidence gathered through this study on the two case study regions, this section (7.2) also shows that variations in the processes and strategies followed by the negotiating parties hold explanation to the different EPA *outcomes* so witnessed. While it is seen that the implementation of an integrative strategy by the Caribbean Forum helped to speedily conclude EPA negotiation with the EU, the distributive strategy of ECOWAS has resulted in a no conclusion to the regional EPA with the EU.

#### ***CARIFORUM-EU EPA Conclusion***

The discussion in this section has demonstrated that the EPA between CARIFORUM and the EU concluded because the region changed strategy from the all-ACP Group distributive strategy to an integrative one. That change in perspective on the EPA led to a quicker establishment of the so-called zone of possible agreement (ZOPA) based on overlapping interests between the region and the EU. It is found that the choice of an overriding integrative strategy by the CARIFORUM negotiators significantly facilitated a problem-solving approach to the EPA negotiations.

However, the section has shown that a number of reasons made the pursuance of an integrative strategy possible in the case of CARIFORUM-EU EPA negotiation. First of all, a relative similarity in ideological orientation facilitated the quick conclusion of regional trade agreements such as the EPA. As seen above, a strong belief in and preparation on neo-liberal policies, as witnessed in the Caribbean region facilitated the quick conclusion of the CARIFORUM-EU EPA negotiation well ahead of time. Countries in the region have been pursuing its integration into the global economy through their own regional economic integration which has been aimed at achieving global competitiveness, honouring international commitments and creating strategic trade and economic partnerships first with the Americas, and Europe was next in line with that agenda. CARIFORUM by so doing was prepared

both ideologically and practically for EPA, as compared to the other ACP regions such as their West African counterpart.

It is partly due to the above cited ideological closeness between the EU and CARIFORUM that the objectives of the region largely overlapped with EU's officially stated objectives for the EPA negotiations. Those overlapping interests between the EU and the Caribbean region established a clear ZOPA between the two parties for a quicker conclusion of their joint EPA unlike as the case was with the West African colleague. For instance, as pointed out above, the Caribbean region wanted maximum access to trade in goods; improve trade in service, improve competitiveness, increase their regional market size; and the region wanted to conclude a "modern" trade agreement in order to position in the region in the world economy – all of which coincided with what the EU wanted the EPA to do for the ACP regions. As predicted in negotiation theory, the convergence of interests between the CARIFORUM and the EU meant that they could faction out a mutually beneficial and distributive outcome, hence the quick conclusion of that EPA.

Secondly, and related to the above point is the importance of a "relatively independent negotiators" of CARIFORUM enabled the region to pursue an integrative strategy in the negotiations with the EU. The Caribbean Regional Negotiation Machinery which was at the helm of the region's external trade negotiations, enjoyed technical and political independence, as compared to the CARICOM Secretariat – which had relatively direct political oversight from the Caribbean Heads of States. Thus the negotiators relative "independence" enabled them to make certain concessions to the EU which would have been difficult otherwise.

Thirdly and related to the point above, it is seen that lack of or weak national and regional contestations before and during the negotiation of EPA between EU and CARIFORUM offered the negotiators the freedom to approach the negotiation from a problem-solving perspective which eventually led to the conclusion of the negotiations.

Fourthly and finally, the Caribbean region's relative "feeling of maturity" and its negotiators feeling of being at "par with EU negotiators" enabled the employment of integrative strategy. That factor also means that CARIFORUM-EU EPA

negotiation had some “psychological” benefits that the others ACP regional negotiations lacked. This suggests that in regional EPA negotiations, a “feeling” of maturity and readiness to assume the responsibility of some sort result in a cooperative negotiation behaviour that is necessary for the speedy conclusion of the deal. This is not to say there was a strong feeling of inferior on the part of the other ACP regions, but to the extent that negotiators would feel at par facilitate a spirit of win-win approach to negotiation – which is what was witnessed in the CARIFORUM-EU EPA negotiation.

### ***West Africa-EU EPA non-conclusion***

On West Africa-EU EPA negotiations, this section has shown that the negotiation processes became protracted and still not concluded after 12 years of tensed negotiations because both parties have been pursuing distributive bargaining strategies. On the part of ECOWAS, the evidence of distributive strategy is seen during the negotiating process as it called for the “renegotiation” of interim EPAs; called for an application for the extension of WTO waiver to maintain the status quo; sought alternative negotiation to the EPA, and remained resistant on many issues it considered unfriendly to its long-term development. In the same vein, the EU similarly, maintained its positions on almost all issues of EPA negotiations with no adjustments or only a little. It is also seen that the EU adopted several methods and tactics in “cajoling” the West African REC to sign the EPA. Those included a “carrot and stick” approach, persuasions, promises as well as threats and pressure. As a result of the dominant distributive strategy, this section has shown that the ECOWAS-EU EPA negotiations have been interspersed with periodic breaks in negotiations and persistence of divergences on almost all the issues of negotiation until date.

The section has shown that it was difficult to establish the so-called ZOPA between the two regions due to their vast dissimilarities and the expected unequal distribution of costs and benefits to be accrued from the EPA deal. The section has depicted the huge revenue loss to be endured by the ECOWAS member states while simultaneously incurring EPA adjustment costs. At the same time, the EU was expected to improve its export to the West Africa region thereby boosting its

economies. This created doubts among the West African negotiators over the widely assured welfare impact of EPA in the form of lower costs of goods and services and resultant development as proclaimed by the EU. On that basis, the terms of EPA such as reciprocal opening of markets, 80-90% trade liberalisation over a “short” transition period, the inclusion of Most Favoured Nation obligations, liberalisation of trade in services, etc. were considered inimical to West Africa’s desired long-term development.

Based on the fact that there is a perceived no ZOPA between West Africa and the EU on the EPA, the expected rational response was for the parties to walk away from the negotiations. That, however, has not been the case with the ECOWAS and EU. Hence, the other option has been for the negotiators from both sides to implement distributive strategies which are devoid of meaningful joint cooperative efforts to find a solution as the case was with the CARIFORUM and the EU.

Therefore, the cumulative effect of the predominantly distributive strategies followed by both EU and the ECOWAS region in their negotiations was the number of issues both parties could not agree on for over a decade – namely, market access offer, trade in services, EPA development funding, MFN Clause, National Treatment, ECOWAS Community Levy etc. An opposite strategy- an integrative strategy, which approached the EPA from a win-win and a problem-solving perspective, would have helped both parties to find “solution” to concluding the agreement. Overall, therefore, the cases of EU and ECOWAS EPA negotiation discussed in this section supports the hypothesis (II) that a distributive strategy pursued in bi-regional trade negotiations is likely to result in a negotiation outcome of no conclusion and vice versa. In the next section (7.3), the third independent variable and hypothesis on the usefulness of issues linkage approach in the explaining the EPA negotiation outcome is discussed.



### 7.3. Issues linkage and the outcomes of the EPA negotiations

#### How EPA Negotiations were linked with other Issues by the EU and ACP Group

Apart from the explanations given above regarding the EPA negotiations processes and outcomes, as pointed out in chapter 3, *linkage theories and joint issue linkage strategy* equally postulate a complementary and or competing explanation for the case at hand. In section 3.3 above, it was stated that in this study, *issue linkage* is considered as a joint strategy undertaken by negotiating parties during the negotiation that involves the trading-off or exchanges of negotiating positions in exchange for concessions from each other that facilitates the conclusion of the negotiation in a manner that satisfies all the parties. In the following section, the extent to which *joint issue linkage strategy* was used and the extent to which it contributed to the EPA negotiation processes and outcomes is interrogated. Prior to the evaluation of the impact of that strategy, it is established that during the EPA negotiations, issues were indeed linked up at the all-ACP-EU phase of negotiations as well as at the level of bi-regional EU-ACP RECs in a manner postulated by linkage theorists.

Evidence gathered about the negotiations proves that the EPA negotiation between the EU and the ACP has not been about a single subject in a manner that impact of issues linkage could be ruled out. The negotiations were in fact linked with several issues but three relevant ones are pointed out here for discussion; firstly, it was about “trade policy” as much as about “development financing”. By November 2006, just about one year to the EPA negotiations deadline, it was observed that,

“The debate on development support to Economic Partnership Agreements (EPAs) is gaining centre stage in the talks between the African, Caribbean and Pacific (ACP) countries and the European Union (EU). Continuous divergence between the parties over the merit of additional and possibly binding support to finance accompanying measures to EPA has hampered progress in all other areas of negotiation”(ECDPM 2006a:2)

From that observation, it is seen there was a linkage of development financing to the EPA (trade) negotiations and that divergence of positions on that issue was affecting negotiation progress in all other areas of negotiation. The EU also linked its Aid for Trade (AfT) scheme under the auspices of WTO to the EPA negotiations – as an

alternative to providing “additional funding” (Council of the European Union 2006b, 2007c; ECDPM 2006a).

Secondly, the negotiations were underpinned by debates about ideological tools and preferences towards the achievement of economic development (in terms of neo-liberalization against protectionism); and thirdly, the EPA negotiations highlighted debates about which platform is suitable for ensuring economic development for the ACP (developing countries) and at what pace. That is to say, the EPA negotiations were characterised by discussions as to whether trade policies and preferences aimed at bringing about the smooth integration of the developing countries into the world economy are best fashion out at the WTO-multilateral level through the Doha Development Round or through bi-regional/bilateral trade agreements between countries and regions (such as between the EU and the ACP states and regions as seen with the EPAs).

Apart from the linking of issues in the negotiations, other criteria identifiable with issue linkage is “interdependence” among actors and that the negotiations should involve “same actors” (Crump 2007:120, citing Stein 1980). Those criteria are equally satisfied by the EPA negotiations. As pointed out in Chapter 2, section 2.2, there is a high “interdependency” between the EU and ACP Group and both parties were negotiating the EPA and the WTO Doha Round at the same time.

Based on the outlined assumptions of issue linkage strategy and as pointed out already, this current study in trying to explain the different EPA negotiations outcomes, test whether the application of issue linkage mechanism as widely pointed out as holding the solution to many complex negotiations, is supported in the case of the EU-ACP EPAs negotiations. Specifically, the hypothesis that the employment of issues linkage approach in negotiations increased the probability for an agreement between the EU and the ACP regions as theoretically predicted by linkage theorists is seen as valid.

As asserted by Poast (2013:287), it is “linkage” that has created “benefits for those negotiating parties who would otherwise find an agreement to be of little value” in the EPA negotiations and led to conclusions in the case of EU and CARIFORUM. It is also issue linkage approach that helped to move EU and ECOWAS negotiations further ahead after several years of deadlock. This

proposition of usefulness of issue linkage in the conclusion of EPA negotiations is further verified below.

***I. EPAs as Only Trade Agreement or as Trade and Development Agreement?***

At the beginning of the negotiations at the EU-all-ACP level, a persistent divergence in the linking of the trade and development delayed the process and created much tension and deadlock between the parties. A lack of resolution on that trade-development nexus at that level of negotiation meant that it continued even at the bi-regional levels of negotiation. A report evaluating the EPA negotiations in 2007 revealed that “the negotiators and stakeholders from all ACP regions have serious concerns regarding the ‘development dimension’ of the EPAs” (ECDPM 2007b:10). They were against the EU position of treating EPA as *only* a trade instrument and thus strongly demanded that EU should commit to making financial support to address their capacity constraints as well as their EPA adjustment costs to be incurred:

“in several regions, particularly Central Africa and Eastern and Southern Africa, the requirement for prior development of production and trading capacities has become a fundamental point of disagreement in the EPA negotiations” (ibid.).

Without linking the idea of EPA as purely “trade” matter to the idea of the ACP side that it is purely a “development” matter, there was never going to be an agreement. There was a gap in positions. At the same time of ACP Group’s demand for the EPA to be about development financing, the EU had a different view: “the EC has required that the issue of development financing in support of an EPA be addressed, not in the EPA negotiations themselves, but through the Regional Preparatory Task Forces (RPTF), which are supposed to link the EPA negotiations with the programming of EC development finance” (ibid.). That debate ensued between the EU and the ACP Group during phase I of negotiations even though in line with the objectives of economic and trade cooperation under the Cotonou Partnership Agreement, a key objective of EPAs include their facilitation of the smooth integration of the ACP countries into the global economy for their development and eradication of poverty (ACP Group of States and European Community and its Member States 2000, articles 34 (1-4)). The ACP Groups, guidelines for negotiating

EPA categorically listed the need for the EPA to be in accordance with broader aims of the Cotonou Agreement:

“The Cotonou Agreement establishes a comprehensive framework for ACP-EU relations. At the centre of the partnership are economic development, the reduction and eventual eradication of poverty, and the smooth and gradual integration of ACP States into the world economy. *The negotiations of EPAs shall take account of and be coherent with the objectives and principles of the Cotonou Agreement* because all the different pillars of the Cotonou Agreement should be mutually reinforcing and supportive” (ACP Group of States 2002:2, emphasis added).

The negotiation guidelines adopted goes on to identify “Sustainable Development-oriented EPAs” as its first principles of negotiating EPAs before others such as “ACP Unity and Solidarity”; and “WTO compatibility” (ibid:5).

Meanwhile, in the joint report for the negotiation of EPA adopted in October 2003 by EU and the ACP Group, the EPAs leading to the economic development was highlighted as the main objectives. In that report, “both sides agreed that the Cotonou Agreement provides the basic principles and objectives of EPAs” and “concurred that *the overall objectives of EPAs shall be the sustainable development of ACP countries, their smooth and gradual integration into the global economy and eradication of poverty*” (ACP Group of States and European Commission 2003:1, emphasis added). As a result, there was some consensus between the negotiating parties that the EPAs should be designed to promote sustained growth; increase the production and supply capacity of the ACP regions and countries; foster the structural transformation of the ACP economies and their diversification. There was also the consensus that the EPAs were to facilitate regional integration among the negotiating ACP Regional Economic Communities (ibid.).

The joint report further highlighted five principles adopted to guide the EPA negotiations for the achievement of the above-stated objectives. Those included; EPAs as instruments for development; EPAs based on regional integrations; EPAs preserving of the *acquis* of market access for the ACP Group; EPAs complying with “evolving” WTO rules and EPAs based on Special and differential treatment (see ACP Group of States and European Commission 2003:2-3). Clearly, the EPAs being formulated through the negotiations as a tool for the achievement of sustainable economic development in the ACP countries were consistently been articulated by both parties.

However, divergence emerged on the issues of “development support for EPAs”. While both parties “concurred that EPAs need to be accompanied by appropriate development support measures, so as to allow ACP countries and regions to maximise the benefits deriving from EPAs” and “EPAs and development support measures must be complementary and mutually supportive” and that “EPAs, therefore, need to be mainstreamed into the development policies of the ACP countries and regions and fully integrated into the development cooperation policies of the EC. ...” (ACP Group of States and European Commission 2003:7). the divergence of view still persisted on whether there is a need for “additional financial resources over and above the EDF to be granted to the ACP” (ibid). In the view of the ACP Group, “additional resources are required to cater for adjustments costs that would result from the implementation of EPAs and to ensure that resources currently available under EDF are not diverted from the development priorities of the ACP” but for its European counterpart, the EC, “resources available for the financing of development co-operation in the next five years have been agreed in the framework of the Cotonou Agreement, and this question is not up for renegotiations in the framework of EPA negotiations” (ibid.). As widely discussed in this study, this divergence on “additional funding” for EPA related adjustment cost would be carried on from the phase I negotiation unto the level of ACP regions and the EU as each party maintained its position (Bilal and Rampa 2005; European Commission 2005c; Persson 2005; Stocchetti 2007; Tekere 2001). For instance, Frederiksen and Bilal (2004) equally recounts how those differences in negotiation positions between the EU and the ACP Group during the phase I of negotiations continued from September 2002 until March 2004 when that level of negotiation ended;

“During the all-ACP first phase of EPA negotiations, from September 2002 until March 2004, the ACP have called for additional (financial) support to help their economies prepare for trade liberalisation, address supply-side constraints and other adjustment measures required for the ACP to effectively benefit from an EPA, foster their regional integration and facilitate their integration into the world economy” (Frederiksen and Bilal 2004:4).

On the contrary, the EU from the very beginning “resisted [the] broad call for reopening discussion on the EU development support, arguing that provisions and (financial) instruments to that effect were already contained in the Cotonou Agreement and provided through the European Development Fund (EDF)” and that,

“while some accompanying measures could be envisaged, the EC has continuously stressed that EPA negotiations should focus on trade and trade-related issues and not provide for an opportunity for renegotiating the financial resources available to the ACP” (ibid.).

Due to ACP Group’s persistence on linking development financing to the EPA, the EU made the offer of linking its “Aid for Trade” (AfT) scheme under the auspices of WTO to the EPA negotiations – as an alternative to providing “additional funding” (Council of the European Union 2006b, 2007c; ECDPM 2006a). That offer, however, did not satisfy the ACP region. While the ACP Group welcomed the EU commitments to provide “2 billion euros of target trade-related assistance” the Group still had “many concerns” and questions about scope and delivery procedures (ECDPM 2006a:4). For instance, on the amount of “additionality” of funding, the Group realised that “actually only 0.7 billion, and not 2 billion euros will effectively be a *new* aid for trade money for all developing countries” (ibid.). It was thus far below their expectation relative to the EPA related adjustment cost envisaged. Thus divergences on additionality of resources under EPA regime between the EU and the ACP persisted and directly affected the process and outcome of the EPA negotiations.

It is argued here that, EU’s resistance to specific and legally binding development financing in the EPA and ACP’s insistence on same were underpinned by two main issues: ideology on the one hand and administrative and pragmatism on the other on both sides. Ideologically, it was and still is EU’s firm believe that by implementing EPAs as proposed, they will *automatically* lead to the economic development of the ACP regions (European Commission 2005a:6).<sup>72</sup> As such, in the view of the EU, the fear and concerns of the ACP Group were basically “unfounded” at best. Administratively and pragmatically, EU posited that in the first place there should be an agreement to the terms of the EPA, then clearly identified needs in the ACP regions could be supported both by the EU and by other donors (European

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<sup>72</sup>In a 2005 Staff Working Document on EPA, the European Commission argues that, “The creation of larger regional markets and deeper regional integration, as foreseen in the Cotonou Agreement, will attract investors and foster economic growth. In this sense EPAs are part of the overall effort to build up the economic governance framework, the stable, transparent and predictable rules necessary to lower the costs of doing business, attract fresh domestic or foreign investment and make ACP producers more diversified and competitive” (European Commission. 2005a:6)

Commission 2005c). Again, as explained by Mahkan (2010), due to the difference in competencies, ensuring coherence between trade and development cooperation policies was administratively a challenging one for the EU which resulted in a slow response to the ACP demands:

“Partly due to the complex dynamics of EU decision-making, the system could not provide timely responses on crucial details for the development relevance of the EPAs. Indeed, substantial answers on market access, rules of origin and development support for the EPAs – including through the Aid for Trade initiative – *came late in the run up to the December 2007 deadline* for the formal negotiation process. Until then, the development benefits to be derived from the EPAs remained largely hypothetical for the ACP” (Mahkan 2010:3, emphasis added).

Administrative and bureaucratic decision-making procedures could thus be adduced as one of the reasons for the initial hesitation on the part of the EU to commit to specific development support as well as some other demands of the ACP Group - a situation that had a negative implication on the negotiation process.

Nevertheless, on its part, the ACP side ideologically did not seem to believe in the “automatic” translation of EPA regime into their economic development. It is their supposition that, trade-related capacities and infrastructures have to be put in place before the full implementation of the EPAs - and they were keen on getting not only political assurances but legally binding framework for the (pre) financing of those needs without leaving it to the usual politically conditioned EDF disbursement or to the uncertain funding to be expected from third party donors (see ACP Council of Ministers 2007a, 2012; Bilal and Rampa 2005; Persson 2005; Stocchetti 2007).<sup>73</sup> Similarly, the ACP Group which was being pragmatic; the Group wanted the “frontloading” of EPA funding based on a legally binding commitment from the EU (see ACP Council of Ministers 2005a; European Commission 2005c; Stocchetti 2007). The opposing positions on this subject of clearly linked issue of development

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<sup>73</sup>For instance, the 2007 Declaration on the EPA by the ACP Council of Ministers after their meeting in Brussels pointed out the ACP side’s pragmatic approach to the EPA, “...WHEREAS the principal objectives of ACP regions in undertaking the EPA negotiations is sustainable development, *the structural transformation of their economies; increase in the production and supply capacity of their countries; promotion of sustained growth; and to eventual eradication of poverty*; WHEREAS there is a great need to prioritize national and regional policy formulation and to build implementation capacities in ACP countries *in advance of any trade liberalization* and other commitments being proposed by the European Commission in the context of negotiations;...” (ACP Council of Ministers 2007a:3). With that pragmatic approach of the Group, committing to EPA without clear security of funding for their structural transforms to make them competitive was thus putting the cart before the horse.

funding and the EPA negotiation would thus go a long way to negatively affect the negotiations by creating distrust among the parties.

The ongoing discussion traces the negotiations between the EU and the ACP Group about two closely linked issues: trade policy on the one hand and development policy on the other during the EPA negotiations since 2002. As can be seen from above, the parties somewhat maintained their positions on the two joint issues. That situation made the EPA conclusion at the level of phase 1 ACP-EU negotiation elusive. It is seen that it was only when there were some concrete arrangements on the issues of development financing at the regional levels of negotiations as seen in the two cases of ECOWAS and CARIFORUM EPA negotiations (discussed below), that EPA negotiation could be concluded.

## **II. Neoliberal Trade Policy as against Protectionism?**

One other key debate of the EPA negotiation was related to the neo-liberal paradigm of economic EPA as proposed by the EU. The key assumptions of the EPA (as embedded in the Cotonou Partnership Agreement (CPA) and as insistently maintained by the EU before and during the EPA negotiations) are the promotion and entrenchment of neoliberal trade and development policies. As argued by Brown (2000), the Cotonou Partnership Agreement signed in 2000 laid the foundation for changing the north-south relationship between the EU and the ACP countries from its colonial antecedents to make way for the current prevailing neoliberal paradigm. This was manifested in the plethora of “new rules” in the Cotonou Agreement aimed at liberalising both development aid and trade relationship between the partners (ibid: 379-381). At the time of concluding the CPA which is the root of EPA negotiations, the need for compliance with WTO rules was cited as one key reason for the new trading scheme. However, another key “influence on the Commission was a belief that trade preferences were not effective in any case and that internal economic reforms of ACP economies to improve competitiveness were far more important in increasing ACP exports” (Brown 2000:379). That means the EU’s ideological preference for neo-liberal policies and a desire to “export” same to the ACP Group as a panacea for their development is one cornerstone of the EPA policy. This view was shared by Grynberg (1997) during the preliminary debate about the EPA policy. He notes that “the WTO issue was fortuitous for some member states critical of



preferential arrangements and of the focus on the 'colonial' ACP group and who sought to recast EU market access in more 'global' and liberal terms” (cited in Brown 2000:379). This view goes to show that although making EU-ACP trade relations “WTO compatible” is hyped as the basis of the EPA negotiations, it is also being used as a “veil” by the EU to transfer its liberal and integration policies as models for the ACP regions. That agenda is observed in the course of the EPA negotiations as the European Commission strongly argued in favour of using the EPAs to create favourable market policies and trade policy environments in the ACP States:

*“The creation of larger regional markets and deeper regional integration, as foreseen in the Cotonou Agreement, will attract investors and foster economic growth. In this sense, EPAs are part of the overall effort to build up the economic governance framework, the stable, transparent and predictable rules necessary to lower the costs of doing business, attract fresh domestic or foreign investment and make ACP producers more diversified and competitive”* (European Commission 2005a:6, emphasis added).

The promotion of neo-liberal policies was thus a core “mission” of EPA negotiations for the EU. However, as seen through the many disagreements of the negotiations, although the broader aims did not generate big arguments between the EU and the ACP Group when it got to the specific details and the *pace* of implementing the EPAs, there were several points of divergences in opinions. In terms of linkage theory, therefore, it is seen here that the negotiations of the EPAs were underpinned by the linkage of neoliberal policies as dominant economic development policies proffered by the EU as against the past, current and future protectionist paradigm of economic development maintained by the ACP Group. At the phase I of EU and ACP Group negotiations, the linkage was problematic. It was only at the level of bi-regional negotiations that consensus was built – see the two cases discussed below.

### **III. Linkage between WTO Doha Round Platform and Bi-regional EPA negotiations**

The third issues linked in the EPA as pointed out earlier is the WTO Doha Development Round as a platform to dealing with developmental concerns of the ACP Group or the pursuance of such aims through the “bi-regional” EPAs between the ACP regions and the EU. The ACP Group strongly believed in seeking to “correct” globally unfair trade rules that impact on its development on the platform of the WTO than to pursue that goal at the level of EU in the bi-regional EPA;

“Current WTO rules are inherently imbalanced against the development needs of ACP States. ...the ACP will keep in view what is being done in the WTO in the context of the Doha Work Programme with a view to: clarifying and improving WTO rules covering regional trading agreements between developed and developing countries; taking adequately into account the development dimension in WTO rules; and operationalising and making legally binding in the WTO existing and new provisions on special and differential treatment. This will then enable ACP States to be in a position to agree to EPAs that are compatible with WTO rules then prevailing”. (ACP Group of States 2002:6).

Due to the above observation of ACP Group on how unfavourable the prevailing trade and development regime was towards developing countries, several efforts were undertaken in trying to reform a number of provisions of the WTO rules – during the Doha Development Round launched in 2001 with the aim of getting global trade agreement that was sympathetic to the development of developing countries by 2005 (see ACP Group of States 2004; ACP Ministerial Trade Committee 2005; AU Conference of Ministers of Trade 2010b; AU Conference of Ministers of Trade 2011; South Centre 2005). As a result of the overlapping of those WTO and EPA negotiation timelines, ACP Group had to negotiate on both fronts – fighting for WTO reforms alongside the EPA negotiations with the EU. Consequently, the failure of subsequent WTO Ministerial negotiations at Cancún, Mexico, 2003; Geneva, 2004; Paris, 2005; Hong Kong, 2005, Geneva, 2006; Potsdam, Germany, 2007; and Geneva 2008 in reaching multilateral agreement meant that, the ACP Group was left vulnerable to the dictates of the EU in the EPA negotiations. In the course of the WTO negotiations amidst its failings, in a joint communique in 2004, the ACP-EU Joint Parliamentary Assembly for instance lamented on how a failure of WTO Cancún negotiations resulted in bilateral/bi-regional agreements such as the EPAs perceived to undermine development aspirations of developing countries;

“whereas ACP exports to the EU are hindered by a range of non-tariff measures including Sanitary and Phytosanitary measures (SPS), standards and rules of origin; whereas the failure of the 5th WTO Ministerial Conference at Cancún has underlined the gap between the aspirations of the developing countries and the approach of the industrialised countries with regard to multilateral trade negotiations under the Doha Development Agenda; whereas the failure of Cancún creates uncertainty for multilateralism and the Doha Development Agenda that could lead to the proliferation of bilateral agreements that are certainly less favourable to developing countries;... (ACP-EU JPA 2004:2-4).

It is seen from the Communiqué that the ACP Group had a clear preference for multilateral trade agreement where it perceived its interest would be best served. This observation lend credence to what is attributed to an EU trade negotiation in a different negotiation –that, “WTO negotiations have a cascading impact on regional and bilateral negotiations” (cited in Crump 2011:223). In support of that observation, Larry Crump himself argues that “... it is also clear that WTO negotiations can have more or less directional control over a regional or bilateral negotiation” (ibid.). That *directional control* of the WTO negotiation was observed in the EPA negotiations. By hoping that through the WTO negotiations, a more balanced and equitable multilateral trading system underpinned by an “explicit link between trade and development, and real special and differential treatment for developing countries” - and in particular to its many LDCs and vulnerable small, landlocked and island countries would be created (ACP-EU JPA 2004:2-4)., the ACP Group looked unto the WTO for direction and did not focussed much on the EPA negotiation with the EU. It was the hope that the WTO Doha negotiations would result in a more transparent and inclusive decision-making process at the multilateral level on trade and development policies than what could be realised through the EPA with the EU. This lack of trust in benefits of the EPA as proposed by the EU among the ACP Group was high even though the EU under articles 37-38 of the 2000 Cotonou Agreement that, had made a commitment that at the end of the EPA negotiations, no ACP country should, in its trade relations with the EU, find itself in a more unfavourable situation after 2007.<sup>74</sup>

The same Communiqué issued and cited above by the joint ACP-EU Parliamentarians among other things called upon the EU to ensure the socio-economic viability, sustainability, and legitimacy of the EPAs by taking cognisance of the adjustment costs of the EPA to the ACP regions (ACP-EU JPA 2004:2-4). Those calls on the EU - not only from the people's representatives in both regional Parliaments but also from all configurations of the ACP Group at every opportunity – are deemed “lamentations” of a weaker partner who lacked confidence in the bilateral arrangement under consideration. Undeniably, as far as the ACP Group was concerned, their exports to EU even under preferential non-reciprocal trade

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<sup>74</sup>See ACP Group of States and European Community and its Member States. 2000.

arrangement, continued to suffer from non-tariff trade barriers in the EU as well as their own lack of capacity to take advantage of the market opening in the EU. Those challenges stamped their quest for integration into the global economy. As such the Group found it difficult to grasp how an obligatory and *reciprocal* trade agreement with the EPA was a panacea for their development. The scenario described above was the main reason the ACP Group tried harder to link the trade negotiations to development financing at all cost.

However, the fact that there was no “legally binding framework agreement” between the EU and all ACP Group at the end of phase I (all-ACP and EU EPA) negotiations which could have established common principles and rules of trade and development relations reinforced the perception that bilateral trade relations between their two regions would be less favourable to the weaker ACP party. As mentioned earlier in the analysis above, that fear of unfavourable agreement was the foundation for ACP Group’s preference for a multilateral solution to their development agenda. Of course considering the slow pace of WTO negotiations, their complexities, and eventual failings, one could question whether the ACP’s preference for multilateral (WTO) solution to their development conundrum is a viable option.

Nevertheless, by account of the negotiations, it is reasonable to claim from the analysis that, the posture of ACP Group during the negotiations suggests their preference for addressing their structural disadvantages and unfavourable international trade and development regime on the multilateral (WTO) platform (instead of dealing with it through bilateral arrangement with the EU through the instrumentation of the EPA). Subsequently, it would be seen that, the lack of effective cooperation between the EU and the ACP Group on the EPA negotiation subjects and “WTO issues” of negotiations resulted in the failure of the multilateral negotiation creating a negative implication for the EPA negotiations due to their “concurrent linkage” - (Crump 2007). The overlapping nature of the negotiations and the persistence of divergence of negotiation topics led to the protraction of the EPA negotiations – especially led by African and Pacific partners among the ACP Group. It is eventually seen that it is only when some level of compromises was found between the EU and the ACP regions on the WTO question during the Phase II negotiations that EPA negotiations drew to a close.

By way of concluding the phase I level of analysis, the above discussion has shown that indeed, there were issues linkages during the EPA negotiations. According to Sebenius (1983) “issues are said to be "added," combined, or linked when they are simultaneously discussed for joint settlement” and similarly, “Issue subtraction or separation takes place when issues are each considered in an effectively independent forum” (Sebenius 1983:287-288). As shown above, the issues of development financing, neoliberal trade policies, and platform for pursuing development policy goals were intricately linked during the EPA negotiations. As shown in the case of the regional EPA negotiations below, the proposition that, “adding issues can yield joint gains that create or enhance a zone of possible agreement” and that, “separating some issues may preclude any chance of agreement while adding them together would create the possibility of a beneficial bargain for each side” (Sebenius 1983:292-293) is shown to be true. The agreement of EU to make a commitment on “development financing” –although considered superficial, created a zone of possible agreement among the EPA parties that would subsequently lead to an agreement both in the case of the Caribbean and West African regional negotiations.

### **EU-CARIFORUM EPA Negotiation and Linkage of Development Aid**

In a similar fashion as described above, the EU-CARIFORUM EPA negotiations equally had issue linkage dynamics. Of the three issues that were intricately linked in the negotiations, the linkage of trade and development financing is what is considered to have contributed to the highly to the EPA negotiations outcome between Caribbean Forum and the EU. The speech of Mr Christopher Sinckler, the Minister for Foreign Affairs, Foreign Trade and International Business of Barbados on the EPA signature day in Barbados, 15 October 2008, tells of the important role some sort of “additional” resource played in CARIFORUM’s conclusion of the EPA. He stated partly that,

“The EU Aid for Trade (AfT) facility represents an important source of *additional funding for the implementation of a CARIFORUM EPA*. ...The *CARIFORUM EPA text includes a declaration that the region will benefit from an equitable share of the €1 billion*, which represents the commitments of EU member states (not including the Commission) for EPA implementation” (Sinckler 2008:2, emphasis added).

That remark tells of the relief felt by the region that an “additional funding” for EPA implementation was forthcoming.<sup>75</sup> The view of the effective linkage between trade and development cooperation underpinning CARIFORUM EPA negotiations and conclusion is largely confirmed by two persons who were involved in the region’s EPA negotiations in their post-EPA negotiation reflections – namely Errol Humphrey (2008) and Junior Lodge (2008).

By changing its earlier position of considering EPA only as a trade instrument and moving away from the ideological posture that, the conditions to be created under the EPA regime would result in automatic development of the ACP region and thereby embracing concrete measures of providing financial support for EPA adjustment related costs in the ACP regions, the EU helped to create a ZOPA for the EPA conclusion at the phase II level of negotiations – and the Caribbean region was the first example.

In consonance with other ACP regions, the Caribbean region had equally demanded concrete and legal financial support from the EU under the EPA regime to enable the region to undertake necessary reforms and capacity building programmes that would make them competitive (Caribbean Community Secretariat 2005, 2007; CARIFORUM-EU EPA Principal Negotiators 2006). This was also confirmed in an interview with a Caribbean Ambassador in Brussels (interview 40).<sup>76</sup> Consistently, however, the EU rejected claims for additional funding under EPA:

“Sources indicate that a major fault line in the negotiations is that each time the Caribbean raises the issue of the need for support for capacity building, institution building, or to address supply side constraints, the EC unambiguously states that these are trade negotiations and that EPAs are a trade agreement and they are not in a position to negotiate capacity building support within EPA Negotiating Groups (Julian 2006:6).

The EU thus until a later part of the negotiations consistently rejected the idea of linking guaranteed financial support to the Caribbean region under the EPA – arguing that development aid to the region is covered under the overall Cotonou Partnership Agreement. In the view of the European Commission, the trade

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<sup>75</sup>Mr Sinckler stated in his speech that the EU’s AfT commitment by 2010 was envisaged to be €2 billion per year and that half of it was earmarked for EPA implementation in ACP regions. He was thus sure the Caribbean region would have its fair share to address its trade and development related needs.

<sup>76</sup>See also Frederiksen and Bilal 2004; Frederiksen and Bilal 2006; Frederiksen and Rampa 2008.

instruments that it was “negotiating inside the EPA aim at ensuring economic governance as a necessary pre-requisite to achieving ACP development” (ibid.). The EPA was accordingly not a venue for negotiating development aid.

Notwithstanding the earlier position of EU and even though with hesitation, it was EU’s provision of funding for EPA related adjustment costs that created the possibility of the conclusion of EPA in the Caribbean region as postulated by linkage theorists. Indeed the financial resource expected from the EU was not legally binding and its budgetary allocation and functionality were not fully known at the time of concluding negotiations, yet its assurance by the EU helped to seal the deal; in the Minister’s speech cited above, he stated further that, “...but it must be pointed out that to date, the modalities governing access to the AfT [Aid for Trade] resources of EU member states have not yet been properly elaborated despite the fact that these were to have been in place since the end of last year” (Sinckler 2008:2). That meant that, at the time of the signing of the agreement, “the actual amount of net additional AfT resources, which will be available” to the region was not known. Yet, the shift in EU’s opposition to the so-called “additional resources” leading to some level of “guaranteed” additional financial aid out of which EPA related adjustment costs in the region could be obtained, paved the way for the agreement to be concluded.

It is consequently observed that, the final text of the agreement between EU and the Caribbean Forum indeed highlights six sources of funding available to support CARIFORUM implementation of EPA; “(a) National Indicative Programmes (NIPs); (b) CARIFORUM Regional Indicative Programme (CRIP); (c) All-ACP Facility; (d) General Budget of the EC; (e) EC and member State AfT Programmes; and (f) Other donor agencies comprising bilateral and multilateral organizations including the United Nations system” (ECLAC 2008c:12). Those are found in articles 7, 8, 117, & 241 of the final EPA text. Even though those are not funding for EPA adjustments costs alone, as called for by the region, their clear inclusion in the text of the Agreement and a “Declaration on Development” sufficed for the assurances of development financing the group demanded before the conclusion of the EPA.

It must be pointed out that the development dimension of the Caribbean-EU EPA have generated debate in the aftermaths of its conclusion (see ACP Press 2012; CARICOM Secretariat 2012; European Commission 2012; Meyn et al. 2009; Silva

2014; Singh et al. 2014b; Van Genderen-Naar 2012; Zampetti and Lodge 2011). Nevertheless, it would go without saying that, the somewhat effective linkage of trade and development issue, though belated and non-legal, helped to conclude the Agreement between the two parties – it is the linkage of development policy and its financing that contributed to the Caribbean party finding “value” in the EPA as would be argued by (Poast 2013:287).<sup>77</sup> A similar case of negotiation breakthrough in West Africa and EU EPA negotiations based on linkage theory is presented next.

### **EU-ECOWAS EPA Negotiations and Linkage of Development Aid**

Correspondingly to playing an important role in bringing the negotiations to the conclusion between the CARIFORUM and the EU, the linkage of “development financing” to the EPA negotiations between EU and ECOWAS equally helped to move the negotiations forward. As discussed above, the different positions among the parties on the issue of giving or obtaining “extra funding for EPA” from the EU continued from the first phase of negotiation up to the second negotiations phase. In the case of the EU-ECOWAS negotiations, it was even more pronounced. Divergence over development aspect and additional funding from the very onset even delayed the very acceptance of a “roadmap for the negotiation” in 2004:

“the adoption of road maps for the Central and Western African regions, to be jointly agreed with the EC, has been delayed in part due to the insistence by the two regions and the refusal by the EC to effectively integrate development concerns with commitments for additional support into the EPA negotiating agenda” (Frederiksen and Bilal 2004:4).

Those continuous and persistent divergences created an antagonising atmosphere from the very commencement of the negotiations and they were to continue to the very end.

The West Africa negotiators, pondering over their level of socio-economic development had consistently reiterated their need for “additional funding” under

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<sup>77</sup>In practice, the promise aid did come in various forms. In a study funded by the European Parliament, Meyn, Mareike et.al (2009:48) remarks that “The EPA itself contains no financial commitments either to provide new funds or to earmark existing pledges”...however, their analysis shows that until 2013, “at least €580 million” were earmarked to support the CARIFORUM EPA. That amount was expected to be complemented by other EU Member States (such as Spain and France). Furthermore, EU Member States had stated, as part of the commitment to provide ‘regional packages’ under their 2007 EU AFT strategy, that they will provide additional resources once the EPA needs have been specified. It is those assurances that allayed the fears of CARIFORUM negotiators and paved the way for the conclusion of EPA.



EPA to undertake a number of reforms and construct infrastructures that would make the region competitive under EPA regime –estimated to cost between 9-15 billion euros (ECOWAS Ministerial Monitoring Committee 2011). As such during the negotiations of EPA, they consistently raised an issue regarding the need for “fresh” funds from the EU. ECOWAS negotiators and Policy Makers and its hyperactive Non-State Actors at every least opportunity demanded an EPA that was balanced with development financing. See for instance various statements as reported in Council of the European Union (2007a); Council of the European Union (2007b); Council of the European Union (2008a); Council of the European Union (2009a); Council of the European Union (2009b) and Council of the European Union (2010a). During the 14<sup>th</sup> EU-ECOWAS Ministerial Meeting in Ouagadougou in October 2008, a joint communique adopted stated in part that,

“The EU and ECOWAS reaffirmed the importance of the development dimension of EPA’s and renewed their commitment to define a package of accompanying measures linking trade and development cooperation. They reaffirmed that this package was to be prepared and implemented, in accordance with Paris Declaration principles on aid effectiveness, at both national and regional levels” (Council of the European Union 2008b:7).

It is seen that, even though the EU had wanted the EPA to be solely trade policy as mentioned above, the West Africa region, just like the other regions, was clearly linking development policy to the negotiations. The West Africa region made it clear that it saw no “value” in concluding the EPA when it has not financial support to implement the necessary reforms that would enable them to benefit from the new trade regime.

During a speech to the Joint Parliamentary Assembly in Bamako on 19 April 2005, Mr Mandelson, the then Trade Commissioner for EU, said, “The EPAs are, at root, about putting progressive trade policy into practice” (EU Trade Commissioner Peter Mandelson 2005:2). Still commenting on WAEU- EPA negotiations, the Commissioner went on to say that,

“The EPA is a joint response to the challenges of globalisation and development. This trade instrument for development will enable the EU to help West Africa become more competitive, diversify its exports and build a regional market with the uniform, transparent and stable rules needed to reinforce economic governance” (EU Trade Commissioner Peter Mandelson 2005:6).

By that time in the negotiations, the position of EU on the EPA was using it as a tool for development in its ideological sense; its provisions would create the necessary enabling environment for development in West Africa. That position fell short of West Africa countries' demand for specific "fresh" funds to address their supply-side constraints. That posture of the EU on EPA development financing in addition to other divergences created an atmosphere of lack of cooperation in the negotiations which manifested in several months and periods of complete "silence" in the negotiation and even sometimes a protest stage of "no show" when meetings were planned. It took several rounds of negotiations well beyond the initial EPA deadline for the EU to take a decision to provide the West Africa region with €6.5 billion euros in relations with EPA related adjustment costs under "West Africa EPA Development Programme (EPADP" or "PAPED" in French (Council of the European Union 2010b, 2014; ECDPM 2010b).

Even though an analysis of the funding for ECOWAS EPA as agreed in the PAPED programme by experts - which is also confirmed through official interviews, reveals that the EU indeed did not provide "additional" funding as such. Its €6.5 billion Euros committed under the PAPED programme is mere re-calculation of existing and already committed funds mostly under its Aid for Trade programme in the region. As pointed out already, a renowned EU-ACP policy think tank, ECDPM attests to that fact; "Moreover, information collected by ECDPM - and by the European Commission via its delegations in West Africa and in consultation with the EU Member States - suggests that the €6.5bn committed by the EU corresponds to support *already* identified as forthcoming for PAPED-related activities"(ECDPM 2010d:3, emphasis original). That finding notwithstanding, it is the argument in this section that "categorical" funding related to EPA provided a ZOPA for the conclusion of the EU-West Africa EPA in 2014. As argued by Sebenius (1983) sometimes an "addition" or "subtraction" of an issue or a party from the negotiation facilitate its conclusion. In this case, it was the issue of "development financing" that was added and jointly addressed between the parties.

## **Conclusion**

To conclude, the ongoing analysis shows that the eventual linkage of trade and development policy in the EPA negotiation by the EU and Caribbean Forum and the West Africa region helped to bring their EPA negotiations to conclusions at the time they did. It is seen that, but for the “assurances” of additional funding in both Caribbean negotiation with the EU and that of EU and West Africa, the possibility of the agreement would remain elusive in the EPA negotiations. Although other factors come into play, the postulation of linkage theorists that it helps to increase the probability of agreement is demonstrated strongly in this study as showcased by the ongoing account. As rightly predicted by Crump (2011) in his assessment of the potentials of issues linkage, that, “linkages may be most potent in the commencing and concluding stages of a negotiation, as this is where opportunity is first created and finally secured” Crump (2011:199), the cases examined in this study exemplify that assessment. For instance, the conclusion of West Africa EPA in July 2014 was considered by some as “unexpected” due to many divergences such as “Market access offer” and the “EPA Development Programme” - a programme meant to address the development needs of West African countries arising from the EPA implementation- notably on the question of “additionality of resources” (ICTSD 2014). Regarding the West Africa-EU negotiations, the fact that EU’s “categorical” assurance of 6.5 billion euros in “development financing” for the next five years following the signing of the EPA helped to move the over 12-year-old negotiations forward could not be disputed. The same could be said about the Caribbean-EU EPA negotiation conclusions. As seen above, the assurance of development support for the Caribbean region by the EU helped to broker the agreement. On those bases, it is concluded in this study that, apart from the other two independent variables discussed above, issues linkage assumption on its potential of increasing the probability of successful negotiations, also offers a viable and competing explanation on the outcome of the EPA negotiations.

#### **7.4. Conclusion: Explaining Different Outcomes of EPA Negotiations between CARIFURUM & ECOWAS**

This chapter set out to compare and contrast the negotiations of Economic Partnership Agreement between the EU and two ACP regions – CARIFORUM and ECOWAS. Due to the interconnection between a first phase negotiations between all-ACP group and the EU which preceded a subsequent second phase of negotiations between EU and individual ACP Regions, the framework of analysis has followed a two-three level format, global to regional and in some cases national level when a national context was deemed important for understanding a regional context. The main summaries of the Chapter are presented below;

First of all, the chapter has shown that the independent variable - presence and or absence of a BATNA to the EPA - proved crucial in the negotiation process and outcome. It has been demonstrated that, as predicted in negotiation analysis, the presence of a BATNA in the form of the EBA trading scheme contributed to the non-conclusion of EU-ECOWAS EPA while the absence of a BATNA contributed to the conclusion of the EU-CARIFORUM EPA. It is shown that the Caribbean region did consider neither GSP nor GSP+ as favourable as the proposed EPA. However, as majority of its membership do not qualify for the most favourable EBA scheme, the only option the region had was to approve of the EPA.

Secondly, the Chapter has revealed that as largely established in negotiation studies, the negotiation strategies and bargaining tactics used by the negotiating parties are important in explaining negotiation processes and outcomes. The chapter has discussed the evidence demonstrating that the EU pursued a largely distributive (win-lose) strategy with the ACP Group in general and respectively with the two ACP regions examined. On the other hand, it is seen that whereas negotiators and political leaders of the CARIFORUM pursued an integrative-problem-solving negotiating strategy with the EU, their West African counterparts pursued a distributive (win-lose) negotiation strategy in the EPA negotiations.

Consequently, as predicted in negotiation analysis, the pursuance of a distributive strategy prolongs negotiations and eventually leads to a no agreement, whereas an integrative strategy leads to a conclusion of negotiations due to the

adoption of a win-win approach to the negotiations. The variation in strategies thus explains the variations in the outcomes of EU's EPA negotiations with the Caribbean Forum and with the West Africa regions respectively.

Thirdly and finally, the analysis in the Chapter has confirmed the importance of the age-long approach of issue linkage and package deals in negotiation studies. It has been shown that the eventual linkage of trade and development policy in the EPA negotiation by the parties – between EU and Caribbean Forum and belatedly between EU and West Africa, contributed to the negotiation outcomes. It has thus been argued that the absence of a successful linkage of development policy and trade policy would have resulted in a less probable conclusion of the agreements considering how thorny “additional funding” was in both negotiations with CARIFORUM and ECOWAS. It is reiterated that whiles the belated linkage of development policy funding and the trade policy initially helped to push the EU-ECOWAS EPA negotiations forward, that regional EPA is still not concluded because of the strong BATNA and the strong distributive strategy being pursued by ECOWAS.

It is the general argument of the study that the three main independent variables as shown jointly offer a comprehensive and systematic explanation as to why and how bi-regional trade negotiations between the EU and the ACP countries/regions would conclude or not conclude. In the following Chapter 8, the summary of the entire study and its findings and general conclusions are presented. It also identifies future research outlook following the key findings of this study.

## Chapter 8: Conclusion and Future Outlook

The European Union has negotiated many Free Trade Agreements over the years – with the European Commission at the helm of the negotiations, as it has the exclusive competence to do so. In addition to the internally built systems and structures that make the EU a strong negotiator in any international negotiation is the Union's structural market and economic power that offers it much leverage over its negotiating partners. It is from that background that it has extensively been argued in the literature that the EU would normally be able to conclude negotiations with third parties with relative ease – especially from parties deemed to be relatively weaker (see Larsén 2007a, b, c; Meunier 2005a; Meunier 2000, 2007; Meunier and Nicolaidis 2005; Meunier and Nicolaidis 2006; Nicolaidis 1999; Wallace et al. 2008). When EPA negotiation were proposed and started, it was thus the expectation of many that considering the huge asymmetrical, structural and bureaucratic advantages that the EU had over the ACP Group, negotiation was going to go as planned by the EU. However, the varying outcomes of the EPA negotiations raised questions about the veracity of claims that the EU would normally get what it wanted in international trade negotiations and when it wanted it. This research has thus pursued a quest to understand the dynamics of the EPA negotiations to offer explanations as to what factors contributed to the varying negotiation outcomes using the cases of two regions in the ACP Group.

The key research question guiding the study has been in relation to the conditions under which bi-regional Economic Partnership Agreement between EU and ACP Regional Economic Communities (RECs) conclude. This question was further divided into two parts in connection with the EU-CARIFORUM and EU-ECOWAS EPAs on why one negotiation has concluded while the other has not concluded. Based on the research questions, the dependent variable of the study has been the variation in the *outcome* of the EPA negotiations

To be able to answer the research questions and offer explanations for the outcomes of the EPA negotiations, three independent variables deduced from negotiation theory; namely, the presence of BATNA in the negotiation, the negotiating strategies pursued and the role of joint issue linkage strategy were identified and their explanatory power for the negotiation outcome examined. This

study was designed to be a comparative using a most-similar systems case study approach.

This chapter (8) therefore presents the findings of the analysis; presents the general conclusions; and presents the implications for future academic research outlook in relation to EU-ACP trade relations as well as global trade policy and governance. Finally, six policy recommendations for the consideration of ACP and EU policy makers are offered. Below is a recap of the entire thesis.

## 8.1. Key Research Findings

Generally on the conditions under which the negotiations of Economic Partnership Agreement (EPA) between the EU and the ACP regions conclude or otherwise, this study finds that although all three hypotheses tested make complementary contributions to explaining the outcome of negotiations, the presence or otherwise of a BATNA for negotiating parties predominantly determine their negotiation preferences and positions and hence their concessional behaviour in the negotiations leading to conclusion or no conclusion. The summaries of findings following the three hypotheses tested in the study are presented below.

### Hypothesis I: BATNA

*The EPA conclusion (outcome) between the EU and ACP Regional Economic Communities (RECs) is a function of BATNA. The Bi-regional EPA negotiations between the EU and ACP RECs conclude when at least one party has no BATNA and vice versa. That is to say, negotiations are not likely to conclude when one of the parties has a better alternative to the proposed EPA agreement.*

Regarding the role of BATNA in the conclusion of EPA negotiations, this study finds that the proposed hypothesis – that the bi-regional EPA negotiation between the EU and ACP Regional Economic Communities conclude quickly when either of the parties has no better alternative(s) and vice versa (Hypothesis I) – holds. It is found that the negotiations between the EU and Caribbean Forum concluded quickly because the Caribbean REC did not have a BATNA which it perceived to make the region better off than the proposed EPA. It is found that no BATNA scenario made

the Caribbean region cooperative in the negotiations leading to an earlier conclusion on schedule. On the other hand, the negotiations between the EU and West Africa became protracted because it is found that the majority of its membership had the EBA as BATNA to the EPA so there was no strong incentive to conclude EPA as originally proposed. The *Hypothesis I* is thus found to be valid for the outcome of the EPA negotiations between the EU and the two ACP regions studied. The timing and content of the EPA agreed upon was predominantly dependent on whether or not the third parties had a perceived or real BATNA.

### **Hypothesis II: Negotiation Strategies/Tactics**

*The outcome of the Bi-regional EPA negotiation between EU and the ACP RECs is a function of the negotiation strategy and tactics pursued by the parties. When the distributive strategy is adopted, there is no conclusion of the Bi-regional EPA and on the contrary, when the integrative strategy is followed, there is a conclusion of the agreement.*

On the conditions under which EPA negotiations conclude, this study also finds that the choice of negotiation strategies and tactics pursued by the negotiation parties directly impacted the efficiency and effectiveness of the negotiation processes and the outcomes. When the parties implemented the distributive strategies/tactics, there was no conclusion of the agreement. It is thus found that in the phase I of the EPA negotiations involving the EU and all the ACP Group together, all the parties followed a largely distributive (win-lose) strategy resulting in no agreement at that level of negotiations. Similarly, the study finds that during the phase II EPA negotiations involving the EU and the respective ACP regional economic communities, whereas CARIFORUM politicians and negotiators pursued an integrative (win-win) negotiating strategy with the EU and vice versa; the West African and EU counterparts during their own EPA negotiations both pursued distributive (win-lose) negotiation strategies. That variation in the negotiation strategies and tactics explains the disparity in the EPA negotiations outcomes in the Caribbean and in West Africa respectively. *Hypothesis II* is accordingly also valid.



### **Hypothesis III: Joint Issues Linkage application**

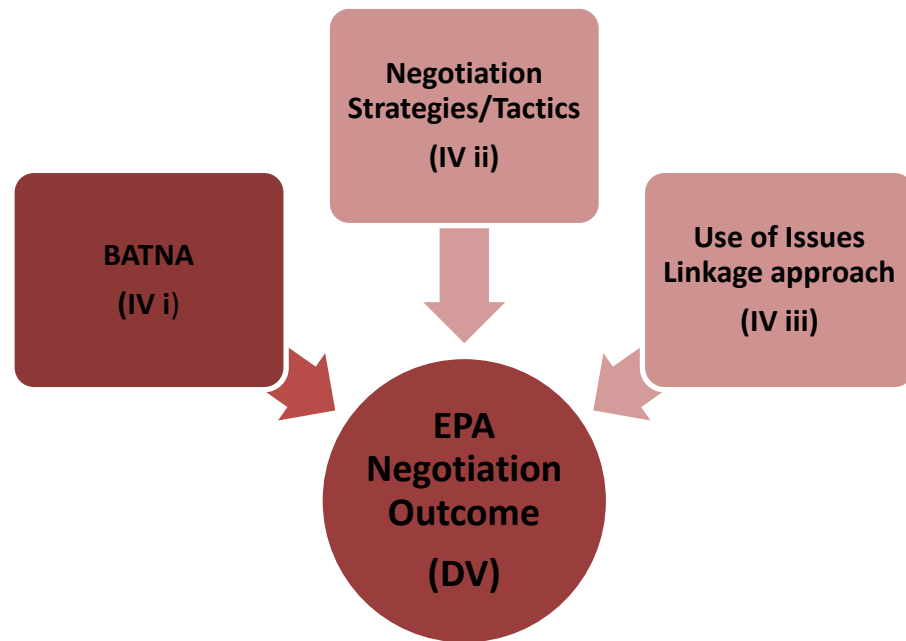
*The outcome of the Bi-regional EPAs depends on a joint application of issue linkage mechanism – where the parties’ trade-off positions on given issues of interest in exchange for concessions from their opponents on other specific issues of interest. In other words, the more compensatory issues are linked, the more likely the EPA negotiations are to conclude and when compensatory issues are not linked, then there are no EPA negotiations conclusions.*

Furthermore, this study also confirms the importance of issues linkage approach in bringing about successful negotiation conclusion. It finds that the linkage of development and trade policies in the EPA negotiations between the EU and Caribbean Forum and EU and West Africa respectively contributed to the conclusions of those negotiations. The early application of joint issue linkage between the EU and the Caribbean Forum helped to create a sense of the win-win situation for the negotiations and led to its conclusion in 2007. It is also seen that the negotiations between the EU and West Africa became protracted because the parties took a longer time to be able to jointly agree on how best to link development financing and the EPA policy. Nevertheless, when they did find a compromise, it set the negotiations in motion towards a conclusion. **Hypothesis III** is hence likewise valid.

It is, therefore, the general conclusion of the study that all the three Independent Variables as shown *jointly* offer a systematic explanation regarding conditions under which bi-regional EPA (international trade) negotiations between EU and the ACP regions would conclude or not. The three Independent Variables jointly explain the outcomes of trade negotiations between the EU (mainly a developed and industrialised region) and ACP Groups (mainly developing and agrarian regions) as the case has been with EPA negotiations.

However, of the three Independent Variables, it is found that the outcome of the EPA negotiations between the EU and the ACP regions *fundamentally* depended on whether or not there was a perceived BATNA. That strong relationship between BATNA and the EPA negotiation outcome is demonstrated by the diagram below.

***Illustration of the strong relationship between BATNA and EPA negotiation Outcome***



***Source:*** Author's own illustration

It is found that although helpful in understanding the EPA negotiation processes and outcomes, the explanatory power of the other two Independent Variables – the negotiators' strategies/tactics and the effective application of issues linkage mechanism – depended first and foremost on whether or not there was a perceived BATNA.

In addition to the conclusions that have been drawn on the basis of the three tested variables, there are also relevant findings observed from the research on the utility of the Negotiation Analytic Approach (NAA) and its implications on conventional macro theories of EU's international role. Those are deliberated below.

**Implications of the Usefulness of Negotiation Analytic Approach (Negotiation Theory) on Conventional IR/EU theories**

First of all, this study finds that *Negotiation Analysis or NAA* as a theoretical and conceptual approach offers a more plausible explanation for the international trade negotiation processes and outcomes involving the EU and third parties beyond what conventional international relations theories on EU do. This is so because the NAA helps to explain *both* the behaviour of EU and the "third parties" involved in the negotiations by the consideration of the three independent variables.

Consequently, explaining the EPA negotiations' outcomes from the perspectives of the EU and the ACP Group would not be possible from the usual EU-centric power approaches.

By way of further elaboration of the above point, as confirmed by the comparative case studies conducted in this project, theories of EU studies such as Normative Power Europe (see Manners 2001), Civilian Power Europe (see Whitman 1998, 2002), Market Power Europe (see Damro 2010, 2012b, 2015) and the Principal and Agency approach (see Pollack 1997, 2003b) which are used to explain the behaviour and functions of EU at the international level *mainly from the perspective of EU*, could not credibly explain the puzzle of this research – regarding why ACP regions as third parties would not “succumb” to EU’s normative and market power. The NAA approach thus makes it possible to offer explanations from the perspective of the third parties as it has been possible to do in this study.

Of course, assumptions of those approaches are not specifically tested in this study but it remains to be seen how they would be able to offer systematic and convincing explanations to different trade negotiation outcomes between a powerful global trade, economic and political actor on the one hand, and a collection of economically and politically weak and poor ACP Group and its regional economic communities. For instance, it is not certain how NPE could be used to explain the mixed negotiation outcomes of EPA negotiations between the EU and the ACP Group that have gone far beyond initially planned timelines, and the extent to which the *normative influence* of EU has been at play over the course of the negotiations. This is more so as the ideas and ideals propounded by the EU in the EPA have been and are being contested by the ACP Group and its regions, and well elaborated in this study.

Similarly, the veracity of explanatory propositions on the bases of assumptions of the EU’s *market power* for the varying EPA negotiation outcomes as have been discussed in this study will be limited in scope. The EPA negotiations outcomes as discussed and found in this study suggest that there is a limit to EU’s market-size incentives and attractions to third parties such as the ACP regions. This implies that for the concept of Market Power Europe to offer an explanation to socio-political phenomenon such as the outcome of international trade negotiations, it has

to give room for the consideration of the perspectives of “third parties” that do business with the EU on the international stage.

By the same token, although not specifically tested in this study, it is reasonable to expect that any explanation offered of the EPA negotiation outcomes based on an approach involving the dynamic relationship between principals and agents in both EU and in the ACP regions would equally be limited when compared with the insights obtained with the assessments of BATNA, negotiation strategies and the adoption of the joint issue linkage approach as carried out under negotiation analysis.

Moreover, the explanations offered by NAA for the variation in the EPAs (international trade) negotiations also reveal that, on the contrary, the powerful actor – the EU – did not always prevail in securing its demands and preferences as evidenced in the two EPA negotiations compared as well as with reference to the five other ACP regional negotiations that are still not concluded. Thus showing that, the proposition of neorealism that (relative structural) power would directly determine the outcome of an international negotiation is limited (cf: Walt 1990; Waltz 1993). That supposition does not hold in this study as the seemingly weaker ACP regions are able to resist the EU’s structural and institutional power in the course of the EPA negotiations, far beyond expectation.

All in all, therefore, this study highlights the limitations of the traditional macro “EU in the World” theories and calls for their improvement to be able to capture the behaviour and preferences of “third parties”.

Generally speaking, the successful use of the NAA in this study to explain the negotiation outcomes from the viewpoints of the EU and the ACP Group and regions proves its theoretical and conceptual relevance in the fields of EU-ACP relations, International (Trade) Relations and Political Science in general. Undoubtedly, the cases studied in this research have confirmed the explanatory usefulness of the NAA in the discipline of international trade negotiations.

Despite the explanatory usefulness of NAA as pointed out above, its utility in this study, however, also reveals a conceptual difficulty in not analysing international negotiation variables in a *continuum*. As already pointed out in chapter 4 above, in practice, it is seen that there is a complication in establishing a clear causal link and

actual variable independence when undertaking negotiation analysis due to the *interdependence* of the variables of interest. That challenge is compounded with the assumption in negotiation studies that not a single variable is able to offer a *complete* explanation for the outcome of a given negotiation. This occurrence necessitates a need for a conceptual development of the NAA to be able to test the trustworthiness of individual variables so deduced in a given study. The finding of this study that all three IVs evaluated somewhat complementarily explain the outcome of the EPA exemplifies that challenge and highlights the need to still improve NAA conceptually. Thus, whereas in some sense it is positive to be able to explain a case by considering several variables in a continuum, the utility of the NAA may be found wanting when subjected to rigorous methodologically test on establishing causality. To overcome that challenge in this study, a conscientious effort had to be made to clearly delineate the individual roles of the IVs to determine their relationship with the dependent variables.

Furthermore, this study makes specific findings on EPA negotiation processes and outcomes involving the EU and the two respective ACP regions compared. It begins with findings on the EPA negotiating behaviour and performance of the EU. That is then followed by the specific findings on the EU-CARIFORUM and EU-ECOWAS EPAs in relations with the main research question.

### **The EU and EPA Policy: Negotiation Processes and Outcomes**

The study demonstrates that the EU has a strong political and normative commitment to global trade liberalisation – with poor countries as well. It has given little or no exception to its belief in free trade as an ultimate approach towards economic growth and development in its negotiation with the 79 countries belonging to the ACP Group. The EU seemed bent on using the EPAs to “lock in” neo-liberal free trade liberalisation reforms similar to its own model of promoting freer trade as a modicum for development. It is also seen that that agenda faced huge opposition, especially in (West) Africa due to a lack of conviction in the benefits of wholesale neo-liberal policies. The EU thus to a larger extent approached the EPA negotiation from a value-based perspective, while most of the ACP regional groups including ECOWAS approached it from an interest-based perspective. These different

approaches resulted in several unresolved issues leading to different timing of conclusion and still variations in the concluded text.

In its negotiations with the ACP Group and regions, this study finds that the EU (through its European Commission) first used reasoning and persuasion as a strategy to get EPA signed. When that did not work as seen in the case of negotiations with ECOWAS, the tactics of “threats” and pressure were deployed, which brought the parties to the negotiation table. It is thus found that both soft and hard negotiation tactics to ensure the conclusion of the agreement were applied. However, they resulted in mixed results. Reasoning and persuasion on the benefits of EPA did not convince most ACP Groups, and threats and pressure resulted in an uneasy relationship between the EU and the ACP regions.

The EPA negotiations and the positions of the EU also reveal the reduction of the historical prestige that the ACP Group seemed to have enjoyed for over forty (40) years. The development focus of their relationship has gradually been replaced with a trade focus with the inception of the EPA regime.

The study demonstrates that the ACP Group, by its persistent “resistance” to the EU’s proposals during the EPA negotiations, has gained relative “negotiation leverage” in view of its long negotiated relationship with the EU.

The study has shown that internal EU trade policy-making processes alone are not enough to explain the outcome of the EPA negotiations. Rather, the negotiation behaviour of the ACP Group and regional communities in response to EU proposals in the EPA negotiation are equally important in determining the negotiation processes and outcomes. Thus, EU’s internal and bureaucratic capacity, as well as structural power over the ACP regions, only partially explains the EPA negotiation processes and outcomes.

The study likewise finds that in the course of the EPA negotiations, the EU demonstrated an unflinching aim of making its trading relations with the ACP Group compatible with the WTO rules – although those rules were not always clear cut. Beyond the WTO rules, the position and preferences of the EU also showed an effort to straighten up historical inconsistencies with international trade law and appeared to want to bring its trade relations with the ACP Group in line with its global trade policy.

Further, and related to the above point, even though Woolcock (2007:3) would absolve EU of criticisms against its usage of EPA as a tool for the pursuance of offensive and commercial interests because of the intangible volume and value of trade it has with the ACP Group (3%), the inclusion of a number of provisions that are not needed to meet the “WTO compatible” aim of the EPA shows that the EU has more than one aim in the negotiation of the EPAs. Beyond the EPA for the “development” of ACP countries, as originally intentioned and professed, this study finds that the EU is equally using the EPA with ACP regions to secure its offensive interest against emerging markets.

The study discovers that the reason the EU was able to *quickly* conclude EPA with one group (CARIFORUM) but not with ECOWAS and the remaining ACP RECs was due to a combination of different strategies and interests that were at play. It is found that the EU has a defensive interest in a relationship with the Caribbean region and so largely pursued integrative strategy in negotiation with the CARIFORUM. On the other hand, with the West African region, because of its offensive interest in that region, it is seen that the EU followed a strictly distributive strategy and continued with it for a long time before shifting to mixed strategy later. Although the mixed strategy resulted in some concessions being traded resulting in some progress in the negotiations, the West Africa-EU EPA is still not concluded. The difference in interests and strategies thus contributed to different negotiation outcomes respectively.

### **The Odd Success: Why EU-CARIFORUM EPA was First to Conclude**

On why the EU-CARIFORUM EPA negotiation was first and so far the only regionally concluded EPA, the study finds the following.

First and foremost, the EU-CARIFORUM bi-regional EPA concluded quickly because the participating Caribbean countries, with the exception of Haiti, are all developing countries (Non-Least Developed Countries). That meant that the region had no Better Alternative (BATNA) to the EPA hence their early agreement to EU’s proposed EPA.

Secondly, this study finds that the Caribbean-EU EPA was concluded faster than other regional negotiations because both parties approached it from a win-win

perspective (integrative approach). The Caribbean Forum shifted from all-ACP distributive strategy to an integrative strategy at the beginning of the bi-regional negotiations with the EU because it felt vulnerable to unfavourable trade regimes beyond 2007 without EPA.

Thirdly, the study finds that the EU's earlier promise of additional development aid under EPA to finance trade infrastructure as demanded by the Caribbean negotiators contributed to the conclusion of that bi-regional EPA. Hence, the successful linkages of development aid to trade policy contributed hugely to the EPA negotiation progress.

### **Explaining the Prolonged EPA Negotiations between the EU and the ECOWAS**

On why unlike the Caribbean Forum, the West Africa-EU negotiations for a bi-regional EPA has after over twelve years of negotiations still not concluded, this study finds the following.

First and foremost, the EU-ECOWAS EPA negotiations have not concluded because 13 out of 16 ECOWAS member states have a BATNA to the proposed EPA. As extensively discussed in the analysis above, the favourable alternative trading scheme – the “Every But Arms (EBA) scheme” - that the majority of ECOWAS countries do qualify for is their BATNA to the proposed EPA. The West African region as a consequence took a lackadaisical approach to the EPA negotiations.

Secondly, the study finds that the distributive negotiation strategy that was pursued by both ECOWAS and the EU contributed to the late and narrow EPA concluded between the parties. It is found that ECOWAS negotiators held on to their distributive strategy for far too long because everything seemed to be at stake for the region. The region expects to lose huge revenues and incur huge EPA adjustment costs at the same time. Likewise, the EU sees West Africa as a strategic region whose market has to be secured. It is thus found that West Africa's recent *political* and *reluctant* EPA negotiation progress that resulted in a “*trade in goods only*” EPA (which is still not concluded) is in keeping with its distributive perspective of the EPA.

Thirdly, it is found that the late application of a joint issue linkage approach influenced the outcome of the negotiation in a negative way. The EU's belated



promise of development-financing under EPA to finance EPA adjustment costs as understandably demanded by the West African party has contributed to the still non-concluded EU-ECOWAS bi-regional EPA.

All the above findings of this study are useful for improving future bi-regional trade negotiations and implementation between the EU and the ACP Group specifically but also for general bilateral and multilateral trade negotiations between developed and developing countries. There are also theoretical and policy implications of this study for international trade negotiations, international political economy, international relations, international public policy and global governance. As a result, to build upon this study on comparative systematic analysis of the EPA negotiation processes and outcomes between the EU and the ACP Regions, six research recommendations are offered below. Subsequently, six policy recommendations for the consideration of ACP and EU policy makers as well as by global trade policy stakeholders are also presented.

## **8.2. Future Research Outlook and Policy Recommendations**

### **Future Research Recommendations**

It is recommended that future research building upon this study could consider the following six issues;

Firstly, a “medium-N” research in the future could consider analysing the conditions under which all the seven ACP RECs concluded their EPAs with the EU or not. It is assumed that such a study will offer a much more complete picture in an effort to understanding trade negotiation dynamics between the EU and the ACP regions, and by extension developing and developed regions. Relatedly, studies comparing EU bi-regional trade negotiations of EPAs with the ACP regions and those between EU and other regions such as the MERCOSUR and Association of South East Asian Nations (ASEAN) would be interesting to consider.

Secondly, a future research could consider the impact of *negotiation context* on the EPA negotiation outcomes using negotiation analytic approach. The role of negotiation contexts such as the evolving nature and somewhat competitive WTO regime vis-a-vis bilateral/bi-regional trade regimes; the high structural asymmetrical

power relations; the context of regional economic integration and institutionalisation; the nature and context of domestic contestations; and global geopolitical dynamics could be examined to determine the extent to which such negotiation contexts contributed to the EU-ACP EPA negotiations. Moreover, research focusing on *regional variables* such as trade negotiation structures, preference aggregation, regional decision-making mechanisms and how they influenced the EPA negotiations would be interesting to undertake. In the same vein, a study focusing on the impact of societal interests groups on trade policy formulation in the ACP regions – especially in Africa – promises to be revealing. The role and ability of domestic stakeholders to influence international policies that affect them will be crucial to study in the future.

Thirdly, and related to the above research suggestions, with the implementation of the concluded EPAs between EU and the ACP regions underway, future research could consider a comparative evaluation of the implementation of the EPAs and how their set aims are being achieved or not.

Fourthly, with varying EPAs between EU and five Africa Regional Economic Communities being negotiated and expected to be under implementation in the coming years, and the African Union-sponsored negotiations of Continental Free Trade Agreement currently underway and expected to come on in 2017, it would be politically and academically interesting to study how the concluded EPAs between Africa RECs and the EU will overlap and relate to a newly established African continental FTA that will involve all or majority of the same RECs. Another study related to this suggestion could be on how possible conflicts of global trade and development agreement under the auspices of the WTO such as being negotiated under the “Doha Trade and Development Round” and regional agreements such as the EPAs between EU and ACP group could be resolved. Could the concluded and ratified EPAs be revised if what is agreed in “Doha Trade and Development Round” is different in fundamental ways and preferred by developing countries?

Fifthly, a study focusing on the EU and EPA could consider evaluating the role of the EU Member States and Institutions, to assess their respective roles in the EPA policy formulation, negotiations, and implementation. The extent to which the European Parliament was able to shape the EPA negotiation to make the outcome

more “development-friendly” in one way or another would particularly be interesting to study.

Sixthly and finally, the role of the EU-ACP joint institutions such as the Joint Parliamentary Assembly (JPA) and the Joint EU-ACP Council of Ministers in the negotiation of the EPA to determine the added value of their functions would be interesting to consider in a future research following this current study. Reviewing the extent to which the JPA, for instance, was able to or could bring democratic principles to bear in international trade negotiations between EU and the ACP Group will likely result in interesting findings.

### **Policy Recommendations**

In order to improve the relationship between the EU and the ACP Group and its respective Regional Economic Communities as well as developing countries in general, and in order to improve their joint trade negotiations and policy making, the following recommendations are made:

#### **For the consideration of the European Union, it is suggested that,**

1. In the designing of future Free Trade Agreement between the EU and a “Third World” region – a developing region – it will be more efficient for EU to embark on negotiations with those regions or countries that are both *institutionally* and *ideologically* prepared. Partners should be seen to be well organised and there should be a similarity in the ideological acceptance of *liberalisation of trade* as a paradigm for economic development as well as the very essence of the agreement to make negotiations efficient and less acrimonious.
2. Relatedly, for a quick conclusion of trade negotiation, the EU should, prior to the negotiation commencement, thoroughly discuss proposed negotiation topics and their implications with third parties and ensure their mutual acceptance before they are included in the negotiations. This will help to avoid the situation as witnessed in the EPA negotiations where the inclusion or exclusion of negotiation topics are still unsettled far into the negotiations.
3. To boost the spirit of win-win negotiations, the EU should only propose FTA negotiations with countries that have some *structural* similarities with itself. Alternatively, FTA should be proposed to countries of similar *development*

*statuses*. This could forestall accusation of “bullying” in asymmetrical negotiations as has been witnessed in the EPA negotiations.

4. To avoid misunderstanding that could prolong negotiations as witnessed in the course of EPA negotiations, the EU – a promoter of multilateralism – in future bi-regional trade negotiations should not include topics that are simultaneously being negotiated at the WTO multilateral level. The EU should allow those topics to be exhausted at that multilateral level without creating a parallel negotiation platform.
5. Finally, the EU should put mechanisms in place to quickly and effectively deliver the promised development aid towards the EPA implementation and adjustment projects and processes in the respective ACP regions. This will enable such regions to prepare ahead of time to be able to maximise trade as expected under the EPA regime.

**On the other hand, for the consideration of the ACP Group of States,  
it is recommended that;**

1. In the proposed EPA, if the ACP Group and the Regional Economic Communities consider it to be inimical to their developmental aspirations, they should pull out of the negotiation and fashion a new paradigm of boosting trade – such as improving their intra-ACP trade.
2. To ensure effective and efficient trade negotiations with partners such as the EU, the ACP Group should proactively and adequately prepare at national, Regional Economic Community and ACP/African continental levels.
3. Regarding the full implementation of already concluded and yet to be concluded EPAs, the ACP region should immediately design a policy that sensitises their citizenry and corporations and prepares them to take advantage of the access they have to the EU’s market in order to maximise their benefits from the new EPA regime.
4. Finally, due to global geopolitical changes and modifications in the membership configuration as well as social, political and economic changes affecting the European Union which has led to a perception of the ACP Group having moved from a “privileged to a rather marginalised partner” of the EU (ECDPM

2016:24), it is expected that there will be continuous changes in the historical goodwill and development assistance the ACP countries have enjoyed from the EU for many years. The Group should therefore proactively prepare for a time when they will no longer receive development aid from the EU and hence should immediately champion their own economic development agenda.

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## Appendixes

### Appendix 1: Guiding Interview Questionnaire<sup>78</sup>

#### *Explaining the Outcomes of European Union's Negotiations of Economic Partnership Agreements with CARIFORUM and ECOWAS*

**Who:    Date:    Time:    Place:**

#### **Real Interest**

How would you describe the interest of the EPA partners in getting the deal done?

How could you tell whether they were interested or not?

**How probable is it to say,**

A Bi-regional EPA negotiation between the EU and ACP RECs stagnates when either of the parties does not show real interest in getting it done?

#### **Role of BATNA**

To what extent did the availability or otherwise of a Best Alternative to EPA influence the negotiations?

**How probable is the statement:**

A Bi-regional EPA negotiation between the EU and ACP RECs stagnates when either of the parties has better alternative(s) and vice versa. That is to say, it is likely to conclude quickly when the parties have no better alternative to the negotiated EPA agreement

#### **Negotiation Strategy**

Did the parties of EPA have a specific strategy/tactics?

If yes, what kind of strategy was pursued?

**How probable would this be?**

When a win or lose (distributive) strategy is adopted, there is a delay of EPA conclusion and on the contrary, when a win-win (integrative) strategy is used, there is a quick conclusion of the EPA.

#### **Negotiation Context**

How have the outcomes of the EPA negotiations with CARIFORUM and ECOWAS been influenced by any given context? What kind of context and how?

**How probable is this statement?:**

A quick and favourable outcome of a bi-regional EPA negotiation is dependent on a favourable negotiation context.

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<sup>78</sup>Because the EPA negotiations were still ongoing during the course of this research, the guiding research questions had to change over time to reflect the emerging issues related to the thesis focus.

### **Concept of issue linkage**

How would you describe the impact of linking other issues such as development aid package to the outcome of the EPA? How instrumental has issue linkage strategy contributed to the negotiation outcome? **Can you give me an example?**

### **How probable is this statement,**

An outcome of Bi-regional EPAs depends on a successful or otherwise use of issues linkage strategy – where the parties' trade-off positions on given issues of interests in exchange for concessions from their opponents on other specific issues of interest.

### **Game Changer of the EPA Negotiation**

What has been or was a game changer of the EPA negotiation with the parties?

Any comment on the **negotiation structures** constituted, the facts and circumstances of level of regional (economic) integration among the negotiating parties?

Any comment on the **domestic context** of negotiation tensions during the process?

Any comment on the **context of global economic crisis** before and during the EPA negotiations,

Any comment on the context of **global geopolitical dynamics**?

### **Negotiation Outcomes**

To what extent is the outcome of the EPA negotiations so far causing some re-strategizing of the EU trade policy and its relations with the ACP region?

What account for the timely conclusion of the EPA with the Caribbean Forum? And what explains why that success is not being replicated among the rest of the ACP region?

Has the EU lost interest in multilateral trade negotiations, i.e. using the WTO forum for international trade negotiations?

### **Geopolitics**

To what extent is the short and long term trade policies of the USA, China, Russia, India and Brazil influencing EU's trade relations with the ACP region? Or the EPA negotiations?

Any comment on the idea that the whole EPA exercise is an **EU own project of seeking to clean up some inconsistencies** with international trade law –in relation with ACP group

### **General issues**

What kind of **lessons could be learned** from the EPA negotiations?

What could be necessary to consider in the designing of **future FTA** between developed and developing countries?

How strong do **WTO incompatibility issues influence EU's preferences** in the EPA?

How has the position of the EU on the EPA changed over time since its commencement and why?

What best explains the rationale of EU's demand for reciprocity in market access in the EPA negotiations? Could there have been other alternatives to the current EPA negotiations terms?

What explains the Commission's proposal of extra-WTO rules in the EPA negotiations?

Is there any other relevant information recommended for consideration?

## Appendix 2: List of Interviews

Interview #	Date	Venue	Position	Institution
1.	25.07.2011	Brussels	Official	European Commission, DG Trade
2.	25.07.2011	Brussels	Official	European Commission, DG Trade
3.	25.07.2011	Brussels	Official	European Commission, DG Trade
4.	25.07.2011	Brussels	Official	ACP Secretariat
5.	25.07.2011	Brussels	Legal Expert	ACP Secretariat
6.	26.07.2011	Brussels	Official	European Commission, DG Trade
7.	27.07.2011	Brussels	Expert on African Affairs	European Parliament
8.	2.08.2011	Brussels	Diplomat & EPA negotiator	Embassy of Ghana
9.	2.08.2011	Brussels	Head of Unit	European Parliament
10.	2.08.2011	Brussels	Administrator	European Parliament
11.	3.08.2011	Brussels	Foreign Policy Adviser	European Parliament
12.	3.08.2011	Brussels	Administrator	European Parliament
13.	3.08.2011	Brussels	Official	European Parliament
14.	3.08.2011	Brussels	Administrator	European Parliament
15.	4.08.2011	Brussels	Principal Administrator	European Parliament
16.	4.08.2011	Brussels	Policy Adviser	European Parliament
17.	4.08.2011	Brussels	Administrator	European Parliament
18.	7.10.2011	Brussels	Senior Official	ACP Secretariat
19.	7.10.2011	Brussels	Senior Official	ACP Secretariat
20.	6.02.2012	Accra	Diplomat	EU Delegation to Ghana
21.	2.03.2012	Abuja	Lawyer and EPA Negotiator	Nigerian Federal Ministry of Trade and Investment
22.	6.03.2012	Abuja	EPA negotiator	ECOWAS Commission
23.	6.03.2012	Abuja	Diplomat	Ghana High Commission
24.	16.03.2012	Brussels	Secretary	Embassy of Sierra Leone
25.	27.03.2012	Brussels	Diplomat	ECOWAS Office in Brussels
26.	26.06.2012	Addis Ababa	Trade Policy Officer	African Union Commission
27.	25.10.2012	Addis Ababa	Head of Division	African Union Commission
28.	25.10.2012	Addis Ababa	Head of Division	African Union Commission
29.	10.11.2012	Brussels	Multilateral Trade Expert	ACP Secretariat

<b>30.</b>	14.10.2014	Brussels	Regional Trade Adviser	African Union Commission
<b>31.</b>	7.07.2015	Brussels	Diplomat	Permanent Mission of the African Union to the European Union in Brussels
<b>32.</b>	8.07.2015	Skype	Lecturer	University of Pretoria, South Africa
<b>33.</b>	8.07.2015	Brussels	Trade Policy Analyst	ACP-EU Technical Centre for Agricultural and Rural Cooperation (CTA)
<b>34.</b>	9.07.2015	Brussels	Deputy Head of Unit	European Commission DG Trade
<b>35.</b>	9.07.2015	Brussels	Official & EPA Negotiator	ECOWAS Office Brussels
<b>36.</b>	10.07.2015	Brussels	Head of Programme	ECDPM Brussels Office
<b>37.</b>	14.07.2015	Brussels	Lawyer and Civil Society Campaigner	ORYS Advocate Brussel
<b>38.</b>	15.07.2015	Brussels	ACP Trade Expert	ACP Secretariat
<b>39.</b>	16.07.2015	Brussels	CARIFORUM EPA Negotiator	Caribbean Regional Negotiation Machinery
<b>40.</b>	17.07.2015	Brussels	Diplomat	Embassy of Barbados - Belgium
<b>41.</b>	21.07.2015	Telephone	Professor of Political Science	University of York (UK)
<b>42.</b>	24.07.2015	Telephone	Economist	African Union Mission to the European Union/ACP Group

❖ All interviews took place face-to-face with the exceptions of interview 32 via Skype and 41 & 42 via telephone



## Appendix 3: UN Classified List of Least Developed Countries



United Nations  
Committee for Development Policy  
Development Policy and Analysis Division  
Department of Economic and Social Affairs

List of Least Developed Countries (as of May 2016)\*, \*\*

Afghanistan (1971)	Madagascar (1991)
Angola <sup>1</sup> (1994)	Malawi (1971)
Bangladesh (1975)	Mali (1971)
Benin (1971)	Mauritania (1986)
Bhutan (1971)	Mozambique (1988)
Burkina Faso (1971)	Myanmar (1987)
Burundi (1971)	Nepal (1971)
Cambodia (1991)	Niger (1971)
Central African Republic (1975)	Rwanda (1971)
Chad (1971)	Sao Tome And Principe (1982)
Comoros (1977)	Senegal (2000)
Dem. Rep Of The Congo (1991)	Sierra Leone (1982)
Djibouti (1982)	Solomon Islands (1991)
Equatorial Guinea <sup>2</sup> (1982)	Somalia (1971)
Eritrea (1994)	South Sudan (2012)
Ethiopia (1971)	Sudan (1971)
Gambia (1975)	Timor-Leste (2003)
Guinea (1971)	Togo (1982)
Guinea-Bissau (1981)	Tuvalu (1986)
Haiti (1971)	Uganda (1971)
Kiribati (1986)	United Rep. Of Tanzania (1971)
Lao People's Dem. Republic (1971)	Vanuatu <sup>3</sup> (1985)
Lesotho (1971)	Yemen (1971)
Liberia (1990)	Zambia (1991)

\* The list will be updated when new decisions become available.

\*\* Year of inclusion on the list in brackets.

<sup>1</sup> General Assembly resolution A/RES/70/253 adopted on 12 February 2016, decided that Angola will graduate five years after the adoption of the resolution, i.e. on 12 February 2021.

<sup>2</sup> General Assembly resolution A/RES/68/18 adopted on 4 December 2013, decided that Equatorial Guinea will graduate three and a half years after the adoption of the resolution, i.e. on 4 June 2017.

<sup>3</sup> General Assembly resolution A/RES/68/18 adopted on 4 December 2013, decided that Vanuatu will graduate four years after the adoption of the resolution on 4 December 2017. General Assembly resolution A/RES/70/78 adopted on 9 December 2015, decided to extend the preparatory period before graduation for Vanuatu by three years, until 4 December 2020, due to the unique disruption caused to the economic and social progress of Vanuatu by Cyclone Pam.

Source: UN DESA 2015

[http://www.un.org/en/development/desa/policy/cdp/cdp\\_ldcs\\_countryfacts.shtml/](http://www.un.org/en/development/desa/policy/cdp/cdp_ldcs_countryfacts.shtml/)

[http://www.un.org/en/development/desa/policy/cdp/ldc/ldc\\_list.pdf](http://www.un.org/en/development/desa/policy/cdp/ldc/ldc_list.pdf), accessed in May 2016

## Appendix 4: Indicative List of Official Documents utilised in this Thesis

<i>Institution</i>	<i>Document Type</i>	<i>Document Title</i>
<b>EU (European Commission, Council of Ministers; European Parliament)</b>	1. Communication	1. 1996 Green Paper on relations between the European Union and the ACP countries on the eve of the 21st century: Challenges and options for a new partnership.
	2. Recommendation	2. 2002 Recommendation for a Council Decision authorising the Commission to negotiate Economic Partnership Agreements with the ACP countries and regions (presented by the Commission).
	3. Press Release	3. EU-ACPs: opening of trade negotiations with West and Central Africa
	4. Working Document	4. Commission Staff Working Document: The Trade and Development Aspects of EPA Negotiations.
	5. Policy Strategy	5. Global Europe: Competing in the World; A Contribution to the EU's Growth and Jobs Strategy.
	6. Commission Communication	6. 2007 Communication From The Commission To The Council and The European Parliament: Economic Partnership Agreements.
	7. Press Release	7. European Commission and Caribbean countries decide on full Economic Partnership Agreement.
	8. Press Release	8. Commission statement on behalf of Commissioner Mandelson and Commissioner Michel - initialling of an interim Economic Partnership Agreement with Côte d'Ivoire today in Abidjan.
	9. Press Release	9. The CARIFORUM-EC Economic Partnership Agreement.
	10. Press Release	10. EU Support to the Region of West Africa Reaches 1.1 billion.
	11. Interim Treaty	11. Interim Economic Partnership Agreements - West Africa: Ivory Coast and Ghana.
	12. Press Release	12. EU-ACP Economic Partnership Agreements, the State of Play in October 2009.
	13. Press Release	13. EU and West Africa move forward on regional Economic Partnership Agreement.

	14. Commission Communication 15. Commission Proposal 16. Declaration 17. Treaty 18. Joint Statement 19. EP Resolution on EPA 20. EP Resolution on new Trade Policy 21. Press Release	14. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Increasing The Impact of EU Development Policy: an Agenda For Change 15. Proposal for a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations. 16. Kigali Declaration for development-friendly Economic Partnership Agreements (EPAs) by ACP-EU Joint Parliamentary Assembly, meeting in Kigali (Rwanda) from 19 to 22 November 2007. 17. Consolidated Version of the Treaty on the Functioning of the European Union 18. Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus - The European Consensus on Development. 19. The development impact of Economic Partnership Agreements European Parliament resolution on the development impact of Economic Partnership Agreements (EPAs) (2005/2162(INI)). 20. European Parliament Resolution of 27 September 2011 on a New Trade Policy for Europe under the Europe 2020 Strategy (2010/2152(INI)) (2013/C 56 E/10). 21. Developing Countries Need More Time to Ratify new EU Trade Agreements, say MEPs.
<b>ACP Group of States</b>	1. Policy 2. Decisions and Resolutions 3. Policy 4. Decisions and	1. ACP Guidelines for the Negotiations of Economic Partnership Agreements. 2. Decisions and Resolutions of the 79th Session of the ACP Council of Ministers [ACP/25/005/04] 4 - 5 May 2004 Gaborone, Botswana (on Negotiations of Economic Partnership Agreements (EPAs); Negotiations Of Economic Partnership Agreements (EPAs) – Postponement of the Review Provided by Article 37(6) of the Cotonou Agreement/Negotiations Under the WTO Work Programme). 3. Developmental Aspects of Regional Trade Agreements and Special and Differential Treatment in WTO Rules: GATT 1994 Article XXIV and the Enabling Clause, ACP Group, 2004. 4. Resolutions and Declarations of the 81st session of the ACP Council of Ministers held

	Resolutions 5. Decisions and Resolution 6. Decisions and Resolutions 7. Decisions and Resolutions 8. Declaration 9. Decisions and Resolutions 10. Decisions and Resolutions 11. Declaration 12. Declaration 13. Declaration	in Brussels, on 21st and 22nd June 2005. 5. Declaration of the 81st Session of the ACP Council of Ministers held in Brussels, on 21st and 22nd June 2005 on the Economic Partnership Agreements (EPAs). 6. Decision N°2/LXXXIII/06 of 83rd Session of the ACP Council of Ministers on the Economic Partnership Agreements (EPAs). 7. Decision N°4/LXXXV/07 of the 85th Session of the ACP Council of Ministers Held in Brussels from 21st to 24th May 2007: Economic Partnership Agreements (EPAs) 8. Declaration of the ACP Council of Ministers at Its 86th Session Expressing Serious Concern on the Status of the Negotiations of the Economic Partnership Agreements 9. Decisions and Resolutions of the 95th Session of the ACP Council of Ministers 10. Resolution of the 99th Session of the ACP Council of Ministers-Economic Partnership Agreements 11. Accra Declaration: Sections on Economic Partnership Agreement in the Accra Declaration, Sixth Summit of ACP Heads of State in 2008. 12. Sipopo Declaration “The Future of the ACP Group in a Changing World: Challenges and Opportunities”, 7th Summit of ACP Heads of State and Government in 2012. 13. Nadi Declaration: ACP Solidarity in a Globalised World, 3rd Summit of ACP Heads of State and Government in 2002.
<b>ECOWAS (ECOWAS Commission, Heads of State and Governments, Ministerial Trade Committee etc.)</b>	1. Press Release 2. Press Release 3. Policy Document 4. Treaty 5. Press Release 6. Press Release 7. Annual Institutional Report	1. Ministers Review Progress on Free Trade Area. 2. ECOWAS Ministers Address Outstanding Issues in Negotiation of EPA with the European Union. 3. ECOWAS-Vision-2020: Towards a Democratic and Prosperous Community. 4. Economic Community of West African States (ECOWAS) Revised Treaty. 5. ECOWAS Ministers Address Outstanding Issues in Negotiation of EPA With the European Union 6. West African Trade Ministers Meet on Negotiations With EU 7. 2012 ECOWAS Annual Report: Annexes

	8. Institutional Policy/Programme 9. Intergovernmental Communique. 10. Press Release 11. Press Release  12. Press Release 13. Treaty  14. Intergovernmental Communique 15. Intergovernmental Ministerial report  16. Press Release	8. ECOWAS Community Development Programme  9. Final Communiqué, 36th Ordinary Session of the Authority of Heads of State and Government 10. Economic Issues to Dominate ECOWAS Extraordinary Summit in Dakar 11. Regional Experts Ready to usher in the ECOWAS CET in early 2015.  12. West Africa- EU prepares for final signatures towards implementation of the EPA 13. Treaty of Economic Community of West African States  14. Forty-Fifth Ordinary Session Of The Authority Of ECOWAS Heads Of State And Government: Final Communique 15. Economic Partnership Agreement Negotiations Between West Africa And The European Union: Status Of The Negotiations On The Text Of The Agreement And The Protocol on EPADP 16. West African Trade Ministers Meet On Negotiations With EU
<b>CARIFORUM</b>	1. Treaty 2. Document  3. Plan  4. Official Speech  5. Joint Press Statement  6. Treaty  7. Official Speech  8. Treaty	1. Treaty Establishing the Caribbean Community. 2. The Caribbean Forum of African, Caribbean, and Pacific (ACP) States (CARIFORUM): What is CARIFORUM? 3. 2004 Plan and Schedule for CARIFORUM EC Negotiation of an Economic Partnership Agreement 4. Opening Remarks by H.E. Edwin W. Carrington at the Launch of the Caribbean-EU EPA Negotiations on 16th April 2004. 5. Joint Press Statement: CARIFORUM, EU Conclude "Successful" Meeting of EPA Trade and Development Committee. 6. Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy. 7. Opening Remarks by His Excellency Edwin Carrington, Secretary-General, CARIFORUM, on the Occasion of the Fourteenth Meeting of Ministers of CARIFORUM. 8. Agreement Establishing the Free Trade Area Between the Caribbean Community and the Dominican Republic

	9. Official Speech 10. Document  11. News Release 12. Strategic Plan	9. CARIFORUM Gains EU Help for Integration. 10. 10th European Development Fund (EDF) Caribbean Regional Indicative Programme (CRIP) Support To CARIFORUM States in The Implementation Of The Commitments Undertaken Under the CARIFORUM European Union (EU) Economic Partnership Agreement (EPA). 11. CARICOM Chairman stresses need for economic alternatives 12. Strategic Plan for the Caribbean Community 2015 – 2019: Repositioning CARICOM.
<b>EU-ACP Group</b>	1. Treaty  2. Report  3. Joint Report  4. Resolution  5. Resolution 6. Resolution  7. Resolution  8. Resolution  9. Resolution  10. Resolution  11. Resolution  12. Resolution	1. Partnership Agreement Between The Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States, of the Other Part (Cotonou Partnership Agreement – 2000). 2. ACP - EU Economic Partnership Agreement Negotiations Cotonou Agreement Article 37.4 Review 3. ACP-EC EPA negotiations: Joint Reports on the all-ACP – EC phase of EPA negotiations 4. Resolution of ACP-EC Council of Ministers Addis Ababa 13 June 2008 on Economic Partnership Agreement (EPA) and Regional Integration 5. ACP-EU Council of Ministers Resolution on EPA 6. ACP-EU Joint Assembly 27th Session -Resolution (1) on ACP-EU trade relations in the fisheries sector and the sanitary standards for the export to the European Union of fishery products 7. ACP-EU Joint Parliamentary Assembly: Cape Town Declaration on EPA Developmental Benchmarks 8. ACP-EU Joint Parliamentary Assembly Resolution on Economic Partnership Agreements (EPA): problems and prospects 9. ACP-EU Joint Parliamentary Assembly Resolution on the review of negotiations on Economic Partnership Agreements (EPAs), meeting at Bridgetown (Barbados) from 20 to 23 November 2006. 10. ACP-EU Joint Parliamentary Assembly Kigali Declaration-for development-friendly Economic Partnership Agreements (EPAs) 11. 3rd Regional Meeting of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA):Final Communique 12. Resolution Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April in Prague



	13. Press Release 14. Final Communiqué  15. Declaration 16. Declaration  17. Declaration  18. Declaration 19. Declaration  20. Declaration	(Czech Republic) on Economic Partnership Agreements (EPAs) and their impact on ACP States 13. EPAs must be made more flexible, says ACP- says ACP-EU JPA 14. 5th Regional Meeting Of The ACP-EU Joint Parliamentary Assembly - Final Communiqué 15. ACP-EU Joint Parliamentary Assembly Resolution on EPA 16. AU Conference of Ministers of Trade Nairobi Declaration on Economic Partnership Agreement 17. AU Conference of Ministers of Trade Addis Ababa Ministerial Declaration on Economic Partnership Agreements Negotiations 18. AU Conference of Ministers of Trade Kigali Declaration on WTO Issues -2010 19. AU Conference of Ministers of Trade Accra Declaration on WTO Issues: 8th WTO Ministerial Conference -2011 20. AU Conference of Ministers of Trade and Finance Addis Ababa Declaration on EPA Negotiations
<b>EU-ECOWAS</b>	1. Joint Report 2. Strategy Paper 3. Joint Communiqué 4. Joint Communiqué 5. Joint Communiqué 6. Joint Communiqué 7. Joint Communiqué  8. Joint Communiqué 9. Joint Communiqué 10. Negotiation Brochure 11. Joint Communiqué	1. Road Map for Economic Partnership Agreement Negotiations between West Africa and the European Community. 2. European Community - West Africa Regional Strategy Paper and Regional Indicative Programme 2008 – 2013 3. 2nd EU-COWAS Ministerial Meeting: Final Communiqué 4. 3rd EU-ECOWAS Ministerial Meeting: Final Communiqué 5. Sixth ECOWAS-EU Ministerial Troika Meeting, Accra (Ghana), 8 November 2004: Communiqué 6. 7th EU-ECOWAS Ministerial Troika Meeting: Communiqué 7. 8th ECOWAS–EU Ministerial Troika Meeting Niamey (Niger), 4 November 2005: Final Communiqué 8. 9th ECOWAS-EU Ministerial Troika Meeting Final Communiqué 9. 10th EU-ECOWAS Ministerial Troika Meeting: Communiqué 10. 11th ECOWAS-EU Ministerial Troika Meeting Luxembourg, 24 April 2007: Final Communiqué. 11. 12th ECOWAS-EU Ministerial Troika Meeting, Ouagadougou, Burkina Faso-Final Communiqué.

	12. Joint Communiqué 13. Joint Communiqué 14. Joint Communiqué 15. Joint Communiqué 16. Joint Communiqué 17. Decision 18. Joint Communiqué 19. Proposal for a Decision	12. 13th ECOWAS-EU Ministerial Troika Meeting, Luxembourg, 28 April 2008: Final Communiqué. 13. 14th ECOWAS-EU Ministerial Troika Meeting, Ouagadougou, 23 October 2008: Final Communiqué 14. 15th ECOWAS-EU Ministerial Troika Meeting - Luxembourg, June 16, 2009: Final Communiqué. 15. 16th EU-ECOWAS Ministerial Troika Meeting, Abuja, 11 November 2009: Communiqué. 16. 17th EU-ECOWAS Political Dialogue at Ministerial Level: Communiqué. 17. Council conclusions on West Africa's EPA Development Programme (PAPED). 18. The Economic Partnership Agreement between the European Union and West Africa 19. Proposal for a Council Decision on the conclusion of the Economic Partnership Agreement (EPA) between the West African States, ECOWAS and the UEMOA, of the one part, and the European Union and its Member States, of the other part
<b>EU-CARIFORUM</b>	1. Joint Press Statement 2. Strategy Paper 3. Strategy Paper 4. Joint Statement 5. Joint Statement 6. Treaty 7. Joint Communiqué 8. Text 9. Joint Council Conclusion	1. CARIFORUM and European Commission Advance Regional Integration Elements of Economic Partnership Agreement Negotiations CARIFORUM-EC Joint Press Release 2. Regional Strategy Paper and Regional Indicative Programme 2008-2013 3. Regional Strategy Paper And Regional Indicative Programme (RIP) For the Period 2003 – 2007. 4. Caribbean Regional Indicative Programme (CRIP) for the Period 2014-2020 - 11th European Development Fund (EDF). 5. Joint Statement of the Fifth Meeting of CARIFORUM-EU Principal Negotiators - Bridgetown, Barbados. 6. Economic Partnership Agreement Between the CARIFORUM States Of The One Part and the European Community and its Member States of the other Part 7. Final Act : Economic Partnership Agreement, Joint Declarations 8. CARIFORUM-EU Troika Summit- Joint Communiqué 9. Council (General Affairs and External Relations) Conclusion: CARIFORUM-EU Joint Council

*Source:* Author's compilations



## Appendix 5: Profile of CARIFORUM Region's Trade with World, 2003-2013

Year	Imports		Exports		Balance		Total trade	
	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )
<b>Annual Data</b>								
<b>2003</b>	23,785		14,427		-9,359		38,212	
<b>2004</b>	24,960	4.9	15,677	8.7	-9,284	-0.8	40,637	6.4
<b>2005</b>	33,193	33.0	18,418	17.5	-14,775	59.2	51,611	27.0
<b>2006</b>	39,872	20.1	20,813	13.0	-19,059	29.0	60,684	17.6
<b>2007</b>	40,751	2.2	21,080	1.3	-19,671	3.2	61,831	1.9
<b>2008</b>	49,219	20.8	22,263	5.6	-26,956	37.0	71,483	15.6
<b>2009</b>	37,949	-22.9	16,208	-27.2	-21,741	-19.4	54,157	-24.2
<b>2010</b>	46,289	22.0	19,697	21.5	-26,592	22.3	65,986	21.8
<b>2011</b>	50,225	8.5	23,845	21.1	-26,380	-0.8	74,070	12.3
<b>2012</b>	51,825	3.2	26,265	10.2	-25,560	-3.1	78,090	5.4
<b>2013</b>	49,274	-4.9	25,466	-3.0	-23,807	-6.9	74,740	-4.3

*Source:* European Commission (2015f:9), Eurostat Comext

## Appendix 6: Profile of ECOWAS Trade in the World (2003-2013)

Period	Imports		Exports		Balance		Total trade	
	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )	Value (Mio €)	Growth* ( % )
<b>Annual Data</b>								
<b>2003</b>	29,192		29,281		89		58,474	
<b>2004</b>	33,778	15.7	34,591	18.1	813	810.1	68,369	16.9
<b>2005</b>	40,115	18.8	43,508	25.8	3,393	317.4	83,622	22.3
<b>2006</b>	48,753	21.5	56,423	29.7	7,670	126.1	105,176	25.8
<b>2007</b>	58,064	19.1	59,243	5.0	1,179	-84.6	117,307	11.5
<b>2008</b>	71,685	23.5	69,038	16.5	-2,647	-324.6	140,723	20.0
<b>2009</b>	65,755	-8.3	48,577	-29.6	-17,177	549.0	114,332	-18.8
<b>2010</b>	79,326	20.6	70,842	45.8	-8,484	-50.6	150,168	31.3
<b>2011</b>	94,912	19.7	93,522	32.0	-1,390	-83.6	188,433	25.5
<b>2012</b>	104,391	10.0	98,729	5.6	-5,662	307.2	203,119	7.8
<b>2013</b>	109,274	4.7	91,783	-7.0	-17,490	208.9	201,057	-1.0

*Source:* Eurostat, IMF (European Commission 2014f:9)

## **Appendix 7: List of peer reviewed PhD-related research presentations and workshops attended by the Author**

- ❖ 22 October 2010: EXACT Initial Conference, University of Cologne
- ❖ 14 January 2011: Workshop Presentation “Legal Dimensions of the EU’s External Trade Relations with the ACP Group”, University of Twente, Enschede (Netherlands).
- ❖ 18 January 2011: Workshop: CFSP One Year after the Lisbon Treaty, “Institute für Europäische Politik”, Berlin.
- ❖ 15 March 2011: Conference on “The future of EU Trade Policy” organized by Directorate General for External Policies and Policy Department and Committee on International Trade, European Parliament, Brussels
- ❖ 9 April 2011: Presentation of a paper on "European Union's Trade Negotiations with Africa, Caribbean, and Pacific Countries: Market Power Europe at Play?" during a Graduate Conference on “Taking the European Union into the 21st Century; History, Challenges and Debates” organised by European Union Centre of Excellence, University of Pittsburgh, Pennsylvania.
- ❖ 4-6 May 2011: Europe-Africa Quality Connect Project, Training Workshop for Experts, organized by European Universities Association (EUA) and Association of African Universities (AAU), Dublin, Ireland.
- ❖ 17 May 2011: High Level Development Policy Forum “Europe's Development Policy Comes of Age” organised by Friends of Europe, Brussels, Belgium.
- ❖ 30 June – 1 July 2011: Presentation of a paper on "European Union's Economic Partnership Agreements with Africa, Caribbean, and Pacific Countries: A Case of Market Power Europe?" during “New Frontiers in European Studies: UACES Student Forum” 12th Annual Conference, University of Surrey.
- ❖ 7 September 2011: EXACT PhD workshop, Finnish Institute of International Affairs, Helsinki.
- ❖ 4 October 2011: EXACT midterm assessment, Brussels
- ❖ 6-19 October 2011: EXACT Network Seminar on Professional Skills at TEPSA (Brussels).
- ❖ 18 October 2011: Presentation on “Leading the way? Comparing the CARIFORUM EPA negotiations with those for ECOWAS” during a Workshop “The Role of Parliaments in Scrutinising International Agreements”, organised by the European Parliament, Brussels, Belgium.
- ❖ 5 May 2012: EU in International Affairs Conference, Brussels
- ❖ 26 June 2012: EXACT Intervision Workshop, Brussels

- ❖ 9 November 2012: Conference on “Linking Trade and Non-commercial Interests: The EU as a global Role Model? Organised by the Centre for the Law of EU External Relations (CLEER), The Hague, Netherlands.
- ❖ 23-24 October 2012: Presentation delivered on “Developing Entrepreneurial Universities: The role of entrepreneurial universities in socio-economic growth” at the two-day Policy dialogue workshop: "The interlinking roles of academic cooperation and research collaboration as a contribution to knowledge generation, exchange and capacity building measures" in Addis Ababa, Ethiopia.
- ❖ 18-20 April 2012 : Europe-Africa Quality Connect, Post-evaluation workshop, organized by European Universities Association (EUA) and Association of African Universities (AAU), Aveiro, Portugal.
- ❖ 21-22 June, 2012: Europe-Africa Quality Connect: A bi-regional approach to Strengthening University Capacity for Change, Final dissemination conference, Addis Ababa, Ethiopia
- ❖ 15-28 September 2012: Presentation during EXACT Network Seminar on Academic Skills at the University of Cologne.
- ❖ 2-7 July 2012: “Theseus Summer School on European Economic Governance and European Council Simulation”, Brussels
- ❖ 23-24 October 2012: Presentation on “Developing Entrepreneurial Universities: The role of entrepreneurial universities in socio-economic growth” at the two-day Policy dialogue workshop: "The interlinking roles of academic cooperation and research collaboration as a contribution to knowledge generation, exchange and capacity building measures" in Addis Ababa, Ethiopia
- ❖ 9 November 2012: Conference on “Linking Trade and Non-commercial Interests: The EU as a global Role Model? Organised by the Centre for the Law of EU External Relations (CLEER), The Hague, Netherlands.
- ❖ 24 November 2012: EXACT PhD progress workshop, Dublin
- ❖ 30 November 2012: Guest Lecture on “EU-Africa Trade Relations”, University of Duisburg-Essen.
- ❖ 5 December 2012: PhD Research Presentation at Oberseminar, University of Cologne
- ❖ 25 January 2013: Workshop “The European Union and the global agenda on foreign aid: between actorness and effectiveness” organised by the Transatlantic Seminar Series, School of Social and Political Science, University of Edinburgh.
- ❖ 28 January 2013: PhD Research Presentation at “Theory & Practice seminar”, University of Edinburgh.
- ❖ 8 March 2013: Conference “The European Union and the Developing World: Agendas, Tensions, Partnerships and the Trade-Development Nexus” University of Glasgow, Scotland,

- ❖ 18 April 2013: EXACT PhD Intervision Workshop, Edinburgh
- ❖ 18 April 2013: Paper Presentation on “The Legal Bases of EU External Trade Policy; what implications for the Negotiations of Economic Partnership Agreements?” Europa Research Group, University of Edinburgh.
- ❖ 23 April 2013: Presentation on “The ‘Odd’ Success; Explaining the Outcome of EU’s EPA Negotiation with CARIFORUM” during PhD showcase event, University of Edinburgh.
- ❖ 15 May 2013- PhD research presentation on “European Union and ACP Countries’ Trade Relations; Theory and Practice” at Oberseminar, University of Cologne.
- ❖ 24-28 June 2013: 1<sup>st</sup> CLEER Summer School on the Law of EU External Relations”, co-organised by the Centre for the Law of EU External Relations (CLEER), The Hague and Maastricht University (Brussels Campus).
- ❖ 12 July 2013: Presentation on “A Comparative Analysis of the EU-CARIFORUM and the EU-ECOWAS EPA Negotiations” at EXACT Final Conference, Brussels
- ❖ 17 July 2013: Oberseminar Presentation, University of Cologne
- ❖ 5 December 2013: Presentation on “EU’s Trade Negotiations with Africa, Caribbean and Pacific (ACP) Regions”, University of Duisburg-Essen
- ❖ 14 May 2014: Presentation of Initial PhD Research Findings, University of Duisburg-Essen.
- ❖ 14 October 2014: Conference: “TTIP: what implications for Africa?” organised by Meridia Partners at European Parliament, Brussels, Belgium.
- ❖ 16 July 2014: Ph.D. Thesis Presentation at Oberseminar, University of Cologne.
- ❖ 27 May 2015: Presentation on “EU-Africa Relations; Explaining the outcomes of EPA negotiations”, University of Duisburg-Essen.
- ❖ 24 October 2015 – Presentation on “Economic Partnership Agreements, How the Ant negotiates with the Elephant: An Evaluation of negotiation strategies of West Africa and the European Union” 4<sup>th</sup> African Cultures and Democratic Dialogue Conference, organised by Cagintua e.V. in collaboration with Engagement Global, Außenstelle Berlin/Brandenburg, Potsdam